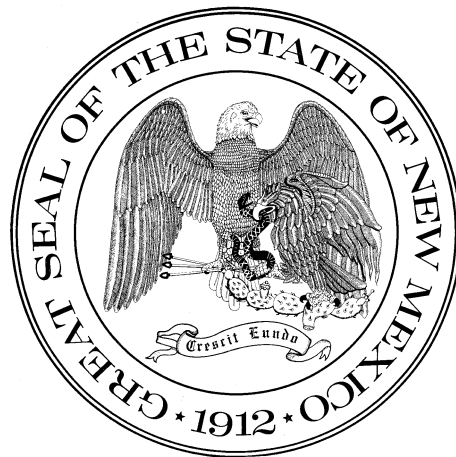


# INDIAN AFFAIRS COMMITTEE

## 2013 INTERIM FINAL REPORT



New Mexico Legislature  
Legislative Council Service  
411 State Capitol  
Santa Fe, New Mexico 87501

INDIAN AFFAIRS COMMITTEE  
2013 INTERIM FINAL REPORT  
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## **2013 Interim Summary**

## **INDIAN AFFAIRS COMMITTEE 2013 INTERIM EXECUTIVE SUMMARY**

Since its inception in 1989, the Indian Affairs Committee (IAC) has addressed issues that disproportionately affect Native Americans residing in New Mexico. In fulfillment of its mission, the IAC held six meetings during the 2013 interim, conducted at the pueblos of Isleta, Santa Ana, Santo Domingo, Ohkay Owingeh, Picuris, Zuni and Pojoaque; the Nenahnezad and Church Rock chapters of the Navajo Nation; and the Mescalero Apache Reservation. This interim, the members of the IAC heard presentations from executive agencies to better comprehend their efforts on behalf of New Mexico's tribes, pueblos and nations. The Indian Affairs Department (IAD) provided a summary of the annual State-Tribal Summit and the IAD's programs and priorities. The Indian Education Division of the Public Education Department discussed its work on overcoming obstacles and its plans for the future. The secretary of state talked about outreach efforts to Native American communities and explained the process for providing early voting sites in Indian country. The state engineer and the director of the Interstate Stream Commission provided an update on Indian water rights settlements. The secretary of veterans' services presented outreach to Native American veterans and the possibility of a Native American division within the Veterans' Services Department.

A central concern of the IAC is the educational opportunities that exist for New Mexico's Native American students. In an effort to better understand the pertinent issues and to better address challenges faced in this arena, the IAC heard from a variety of entities, including: Save the Children; Teach for America; the University of New Mexico's School of Architecture's Indigenous Design and Planning Institute; Northern New Mexico College's Northern Pueblos Institute; Shiprock Associated Schools, Inc.; the superintendents of the Gallup-McKinley County and the Central Consolidated school districts; the Public School Facilities Authority; AMIKids Sandoval; and the National Board for Teaching Standards.

No single issue was covered during the 2013 interim more than Indian gaming and the ongoing State-Tribal Class III Gaming Compact negotiations. The 2001 gaming compacts are set to expire in 2015, and both the state and 2001 compact tribes have been working tirelessly to enter into new compacts before the current ones expire. The Navajo Nation, Pueblo of Pojoaque, Pueblo of Acoma, Jicarilla Apache Nation and Mescalero Apache Tribe have spent nearly two years negotiating with the state pursuant to the Compact Negotiation Act. The IAC heard updates on the progress of negotiations over the course of the interim. While the IAC did gain valuable knowledge and insight into the negotiations, the committee did not take any official action on them, as that would overstep its statutory authority.

Other major issues covered by the IAC include questions of tribal and state police enforcement jurisdiction, tribal infrastructure needs and obstacles, forest fire mitigation efforts, a Native American perspective on the New Mexico Health Insurance Exchange, the work of the Navajo Transitional Energy Company, the proposed Navajo code talkers museum, suicide prevention efforts, uranium development and abatement, the endeavors of the Gallup Intertribal Ceremonial Association, dentists and dental therapists, Zuni MainStreet and oversight of and by the Gaming Control Board.

Finally, the IAC endorsed seven pieces of legislation for the 2014 legislative session.

# **2013 Approved Work Plan and Meeting Schedule**

**2013 APPROVED  
WORK PLAN AND MEETING SCHEDULE  
for the  
INDIAN AFFAIRS COMMITTEE**

**Membership**

Rep. Sandra D. Jeff, Co-Chair  
Sen. John Pinto, Co-Chair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Sharon Clahchischilliage  
Rep. Patricia A. Lundstrom  
Rep. James Roger Madalena

Sen. Richard C. Martinez  
Sen. Cliff R. Pirtle  
Rep. Jane E. Powdrell-Culbert  
Sen. Nancy Rodriguez  
Sen. John C. Ryan  
Sen. Benny Shendo, Jr.  
Sen. William P. Soules

**Advisory Members**

Rep. Ernest H. Chavez  
Sen. Carlos R. Cisneros  
Rep. Zachary J. Cook  
Sen. Stuart Ingle  
Sen. Daniel A. Ivey-Soto  
Rep. Georgene Louis

Rep. Antonio "Moe" Maestas  
Rep. Debbie A. Rodella  
Rep. Patricia Roybal Caballero  
Rep. Nick L. Salazar  
Sen. Clemente Sanchez

**Work Plan**

The New Mexico Legislative Council created the Indian Affairs Committee (IAC) on April 30, 2013. The IAC addresses issues and policies that affect Native Americans in New Mexico. In view of the fact that the IAC aims to address issues and policies relating principally to New Mexico's Native American population, the IAC strives to conduct its meetings in locations that are accessible to the state's tribal members and their leaders. Moreover, meeting at the various Indian nations, tribes and pueblos in New Mexico facilitates government-to-government cooperation. The IAC meetings are essential to the work of the legislature in addressing the issues affecting this segment of its constituency.

Because the issues that affect Native Americans transcend any one subject matter, the committee will coordinate, as needed, with other committees regarding presentations of subject matter of common concern. Subject matter covered by the Economic and Rural Development Committee and Water and Natural Resources Committee is of particular interest during the 2013 interim. The IAC proposes to explore and discuss the topics in each major issue area affecting Native Americans during the 2013 interim as follows:

**A. State-Tribal Relations:**

1. discuss state resources available to Native American farmers and ranchers affected by severe drought conditions and Indian resource development institutes focused on agriculture, engineering and business education;

2. review the process for entering into and renewing the Indian Gaming Compact;
3. study the process to establish state recognition of Indian nations, tribes and pueblos in New Mexico;
4. assess state resources for recovery assistance to the pueblos affected by the severe wildfires;
5. review state-tribal jurisdiction on domestic matters, including full faith and credit and enforcement of protective orders;
6. evaluate state agency reports on activities pursuant to the State-Tribal Collaboration Act;
7. consider the involvement of state legislators in government-to-government relations with tribes and participation in the state-tribal summit;
8. discuss outreach efforts conducted by the Veterans' Services Department to Native American veterans;
9. review the process for requesting early voting sites in Indian country and the participation of Native American youth working in the polls; and
10. discuss the cross-deputization/dual endorsement of tribal police.

B. Health:

1. assess health care, including dental care, for Native Americans and in Native American communities;
2. evaluate implementation of the Native American Suicide Prevention Council to collaborate with the Clearinghouse for Native American Suicide Prevention to develop and provide culturally based suicide prevention initiatives for Native Americans as mandated by SB 417 (2011 regular session) and SB 447 (2013 regular session);
3. review mental health programs and services for Native Americans;
4. explore issues of domestic violence against Native American women and children;

5. review the process of solid waste monitoring on Native American land; and
6. assess elderly care and services available to the elderly Native American community.

C. Development in Indian Country:

1. discuss capital outlay concerns, including tracking the expenditure of allocated funds, alternative funding sources and coordination with the Navajo Nation, including chapter certifications under the Navajo Nation's Local Governance Act;
2. review the funding of projects from the Tribal Infrastructure Project Fund, including the projections of allocated amounts pursuant to the Severance Tax Bonding Act;
3. review the funding of the Indian water rights settlements, including the Navajo, Aamodt, Taos Pueblo and Abeyta Indian water rights settlements, including the use of severance tax bonding capacity;
4. explore tribal utility projects on Indian lands, including gas and electric projects;
5. compare and contrast the funding of projects in Indian country through the Tribal Infrastructure Project Fund and capital outlay and the impacts of tribal capital outlay reversions pursuant to the Tribal Infrastructure Act;
6. review the Main Street program;
7. review transportation issues, including railroad crossings and road projects;  
and
8. discuss telecommunications issues, including double charging and access.

D. Education:

1. evaluate the implementation of the Indian Education Act, the American Indian Post-Secondary Education Act and general education of Native Americans, including improvements to performance;
2. review Native American study programs and resources at higher education institutions;



3. study the feasibility of providing lottery scholarships to otherwise eligible students who attend tribal colleges;
4. consider the establishment of a bi-state charter school;
5. consider the establishment of a mock or pilot civic training program for Native American youth similar to the boys and girls state civic training program;
6. assess resources for students with special needs and their parents; and
7. ask the New Mexico Legislative Council to assess the need for a subcommittee composed of members of the Legislative Education Study Committee and the IAC to evaluate impact aid in New Mexico.

**Indian Affairs Committee  
2013 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 5	State Capitol Santa Fe
July 15-17	Pueblos of Isleta, Santa Ana and Santo Domingo
August 19-20	Ohkay Owingeh and the Pueblo of Picuris
September 24-27	Nenahnezad, Church Rock (two days) and the Pueblo of Zuni
October 28-29	Mescalero
December 2-3	Pueblo of Pojoaque State Capitol, Santa Fe

# **Agendas**

**Revised: June 4, 2013**

**TENTATIVE AGENDA  
for the  
FIRST MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**June 5, 2013**  
**Room 307, State Capitol**

Wednesday, June 5

10:00 a.m. **Call to Order**

—Senator John Pinto, Co-Chair

10:05 a.m. (1) **Interim Committee Procedures**

—Raúl E. Burciaga, Director, Legislative Council Service (LCS)

10:15 a.m. (2) **Indian Education: Programs and Priorities**

—Paul Aguilar, Deputy Secretary, Public Education Department (PED)

—Matt Montano, Division Manager, Indian Education Division, PED

—Dr. Ferlin Clark, Assistant Secretary for Indian Education, PED

11:15 a.m. (3) **Indian Affairs Department: Programs and Priorities**

—Arthur P. Allison, Secretary, Indian Affairs Department (IAD)

—Jerry Sandoval, Division Director, Economic Development and  
Tourism Division, IAD

12:15 p.m.                      **Lunch**

1:20 p.m. (4) **2013 Legislation — Summary**

—Peter Kovnat, Staff Attorney, LCS

2:00 p.m. (5) **Discussion of Focus Areas, Work Plan and Meeting Schedule**

—Peter Kovnat, Staff Attorney, LCS

3:00 p.m.                      **Adjourn**

Revised: July 12, 2013

**TENTATIVE AGENDA  
for the  
SECOND MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**July 15-17, 2013  
Pueblo of Isleta  
Pueblo of Santa Ana  
Pueblo of Santo Domingo**

**Monday, July 15 — Pueblo of Isleta, Isleta Resort and Casino (Hotel), Ballroom C**

- 10:00 a.m.            Call to Order**  
—Senator John Pinto, Co-Chair, Indian Affairs Committee
- 10:05 a.m.        (1)    **Invocation, Welcome and Status Update — Pueblo of Isleta**  
—E. Paul Torres, Governor, Pueblo of Isleta
- 11:05 a.m.        (2)    **Save the Children: Delivering Success for Native American Children**  
—Rich Bland, Senior Director, Policy and Advocacy, Save the Children  
—Tony Archuleta, Principal, San Diego Riverside Charter School, Pueblo  
      of Jemez
- 12:00 noon            **Lunch**
- 1:00 p.m.        (3)    **An Overview of the Pueblo of Isleta's Involvement with the State on  
Water and the Environment**  
—Ramona M. Montoya, Division Manager, Pueblo of Isleta Public Services  
      Department, Environment Division; and Secretary, The Coalition of  
      Six Middle Rio Grande Basin Pueblos
- 2:00 p.m.        (4)    **Issues of Concern to the Middle Rio Grande Pueblos and How the State  
Legislature Can Help**  
—E. Paul Torres, Governor, Pueblo of Isleta; and Chairman, The Coalition  
      of Six Middle Rio Grande Basin Pueblos
- 3:00 p.m.        (5)    **Cross-Deputization/Dual Endorsement of Tribal Police Officers and  
Questions of Jurisdiction, Enforcement of Protective Orders and Full  
Faith and Credit: A Perspective from the Pueblo of Isleta**  
—Kevin Mariano, Chief of Police, Pueblo of Isleta

4:00 p.m.                **Recess**

**Tuesday, July 16 — Pueblo of Santa Ana, Prairie Star**

10:00 a.m.                **Call to Order**  
—Senator John Pinto, Co-Chair, Indian Affairs Committee

10:05 a.m.        (6)    **Invocation, Welcome and Status Update — Pueblo of Santa Ana**  
—Myron Armijo, Governor, Pueblo of Santa Ana

11:05 a.m.        (7)    **Gaining Recognition as a Tribe or Pueblo: Process and Challenges**  
—Joel Davis, Lobbyist, Fort Sill Apache Tribe

12:00 noon                **Lunch**

1:00 p.m.        (8)    **Update on the 2013 State-Tribal Summit**  
—Arthur P. Allison, Secretary, Indian Affairs Department

3:00 p.m.        (9)    **The Process for Requesting Early Voting Sites in Indian Country and Involving Native American Youth as Poll Workers**  
—Dianna J. Duran, Secretary of State (SOS)  
—Bobbi Shearer, Director, Bureau of Elections, SOS

4:00 p.m.                **Recess**

**Wednesday, July 17 — Pueblo of Santo Domingo, Community Center, 1 Tesuque Street**

9:00 a.m.                **Call to Order**  
—Senator John Pinto, Co-Chair, Indian Affairs Committee

9:05 a.m.                **Invocation**  
—Felix Tenorio, Jr., Governor, Pueblo of Santo Domingo

9:15 a.m.        (10)    **Outreach and Services for Native American Veterans**  
—Timothy L. Hale, Secretary, Veterans' Services Department

10:15 a.m.        (11)    **Santo Domingo Behavioral Health (SDBH) Veterans' Services**  
—Joe Rosetta, Traditional Cultural Support, SDBH

10:45 a.m.        (12)    **Welcome and Status Update — Pueblo of Santo Domingo**  
—Felix Tenorio, Jr., Governor, Pueblo of Santo Domingo

11:30 a.m.                **Lunch**

- 12:30 p.m.      (13) [Access to Health Care on the Pueblo of Santo Domingo](#)  
—Anthony Yepa, Health Director, Kewa Pueblo Health Clinic
- 1:30 p.m.      (14) [Fruits and Use of the Tribal Infrastructure Project Fund at the Pueblo of Santo Domingo](#)  
—Kenny Pin, Planning Director, Pueblo of Santo Domingo
- 2:30 p.m.      (15) [Tour of the Santo Domingo Early Childhood Center and the Santo Domingo Trading Post](#)
- 4:00 p.m.      **Adjourn**

Revised: August 9, 2013

**TENTATIVE AGENDA  
for the  
THIRD MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**August 19-20, 2013  
Ohkay Owingeh  
Pueblo of Picuris**

**Monday, August 19 - Ohkay Owingeh, Ohkay Casino Resort Hotel**

- 10:00 a.m.        **Call to Order**  
                      —Senator John Pinto, Co-Chair
- 10:10 a.m.        (1)    [Invocation and Welcome — Ohkay Owingeh](#)  
                      —Marcelino Aguino, Governor, Ohkay Owingeh
- 10:30 a.m.        (2)    [Indian Rights of Way in Jemez Mountain Electrical Cooperative Service Area](#)  
                      —Marcelino Aguino, Governor, Ohkay Owingeh  
                      —Germaine R. Chappelle, Attorney, Gallagher and Kennedy
- 12:00 noon        **Lunch**
- 1:00 p.m.        (3)    [Ohkay Owingeh Water Rights](#)  
                      —Larry Phillips Jr., Co-Chair, Ohkay Owingeh Water and Natural Resources Commission
- 2:00 p.m.        (4)    [Ohkay Owingeh Status Update and Infrastructure Needs](#)  
                      —Ben Lujan, Project Director, Ohkay Owingeh
- 3:00 p.m.        (5)    [Collaborating to Fight Forest Fires and Mitigate the Harm Fires Cause](#)  
                      —Gregory A. Myers, Secretary, Homeland Security and Emergency Management Department  
                      —J. Michael Chavarria, Forestry Director, Pueblo of Santa Clara  
                      —Regis Chavarria, Tribal Sheriff, Pueblo of Santa Clara
- 4:30 p.m.        **Recess**



**Tuesday, August 20 - Pueblo of Picuris, Picuris Pueblo Museum**

- 10:00 a.m.           **Call to Order**  
                              —Senator John Pinto, Co-Chair
- 10:05 a.m.       (6)   **Invocation, Welcome and Status Update — Pueblo of Picuris**  
                              —Richard Mermejo, Governor, Pueblo of Picuris
- 12:00 noon           **Lunch**
- 1:00 p.m.       (7)   **Update on the New Mexico Health Insurance Exchange: Native Perspective**  
                              —Dr. J.R. Damron, Chair, Board of Directors, New Mexico Health Insurance Exchange
- 2:00 p.m.       (8)   **Update from University of New Mexico (UNM) School of Architecture's Indigenous Design and Planning Institute**  
                              —Ted Jojola, Director, Indigenous Design and Planning Institute, UNM School of Architecture
- 3:00 p.m.       (9)   **Northern Pueblos Institute: A Sustained Research and Public Service Project**  
                              —Ricky Serna, Vice President for Advancement, NNMC  
                              —Matthew J. Martinez, Ph.D., Director, Northern Pueblos Institute, and Assistant Professor of Pueblo Indian Studies, NNMC
- 4:00 p.m.           **Tour of the Pueblo of Picuris**
- 5:00 p.m.           **Adjourn**

**TENTATIVE AGENDA  
for the  
FOURTH MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**September 24-27, 2013  
Nenahnezad  
Church Rock  
Pueblo of Zuni**

**Tuesday, September 24 — Nenahnezad**

- 10:00 a.m.           **Call to Order**  
                          —Senator John Pinto, Co-Chair, Indian Affairs Committee (IAC)
- 10:10 a.m.       (1)   **Invocation, Welcome and Status Update**  
                          —Norman C. Begaye, President, Nenahnezad Chapter
- 11:00 a.m.       (2)   **Issues Surrounding School Bus Routes**  
                          —Frank Chiapetti, Superintendent, Gallup-McKinley County School District  
                          —Don Levinski, Superintendent, Central Consolidated School District
- 12:00 noon       (3)   **Working Lunch: Native American Voters Alliance (NAVA)**  
                          —Keegan King, Representative, NAVA  
                          —Nadine Padilla, Representative, NAVA
- 12:30 p.m.       (4)   **Working Lunch: Funding for New Dormitory Construction**  
                          —Johnny Anderson, Dormitory Manager, Shiprock Associated Schools, Inc.
- 1:00 p.m.        (5)   **Update by the Navajo Transitional Energy Company (NTEC)**  
                          —Steve Gunderson, Chair, Management Committee, NTEC
- 2:00 p.m.        (6)   **San Juan Generating Station Update**  
                          —Ernie Baca, Vice President of Governmental Affairs, PNM
- 3:00 p.m.        (7)   **National Navajo Code Talkers Museum and Veterans Center**  
                          —Senator John Pinto, Co-Chair, IAC
- 4:00 p.m.           **Recess**

**Wednesday, September 25 — Church Rock, Fire Rock Casino**

9:00 a.m. **Call to Order**  
—Senator John Pinto, Co-Chair, IAC

9:05 a.m. (8) **Welcome and Status Update**  
—Ben Shelly, President, Navajo Nation  
—Johnnie Henry, Jr., President, Church Rock Chapter

10:00 a.m. (9) **Native American Suicide Prevention Clearinghouse**  
—Sheri Lesanssee, Program Manager, University of New Mexico Center  
for Rural and Community Behavioral Health, Native American  
Behavioral Program

11:00 a.m. (10) **The Computer Adaptive Test-Mental Health Suicide Prevention Solution**  
—Steve Trubow, Medical Engineer, Olympic Labs

12:00 noon      **Lunch**

1:00 p.m. (11) **Indian Gaming Compact Negotiations**  
—Gregg P. Shutiva, Governor, Pueblo of Acoma  
—Jicarilla Apache Nation Representative  
—Mescalero Apache Tribe Representative  
—Steffani A. Cochran, Chief General Counsel, Pueblo of Pojoaque

2:30 p.m.      (12) **Indian Gaming Compact Negotiations**  
                      —Ben Shelly, President, Navajo Nation  
                      —Johnny Naize, Speaker, Navajo Nation Council  
                      —Lorenzo Bates, Council Delegate and Chair, Navajo Nation  
                                  Gaming Task Force

3:30 p.m.      **Tour of the Gaming Facility**

4:30 p.m.                      **Recess**

**Thursday, September 26 — Church Rock, Fire Rock Casino**

9:00 a.m. **Call to Order**  
—Senator John Pinto, Co-Chair, IAC

- 9:05 a.m. (13) [\*\*Zuni Lawsuit/Impact Aid\*\*](#)  
—Sharon Ball, Senior Researcher, Legislative Council Service  
—Frank Chiapetti, Superintendent, Gallup-McKinley County School District  
—Bob Gorrell, Director, Public School Facilities Authority
- 10:30 a.m. (14) [\*\*Gallup-McKinley County School District Board Introductions and Overview\*\*](#)  
—Frank Chiapetti, Superintendent, Gallup-McKinley County School District
- 11:00 a.m. (15) [\*\*Update on House Memorial 43 \(2013\): The Navajo Charter School\*\*](#)  
—Dr. Ferlin Clark, Assistant Secretary for Indian Education, Public Education Department
- 12:00 noon (16) [\*\*Working Lunch: Teach for America\*\*](#)  
—Nate Morrison, Executive Director, Teach for America-New Mexico
- 1:00 p.m. (17) [\*\*Uranium Development — Project Update\*\*](#)  
—Gregg P. Shutiva, Governor, Pueblo of Acoma  
—Mark Pelizza, Senior Vice President of Health, Safety, Environment and Public Affairs, Uranium Resources, Inc.
- 2:00 p.m. (18) [\*\*Uranium Abatement\*\*](#)  
—Jaime Geronimo Vela, Doctoral Student, New Mexico State University (NMSU)  
—Dr. Antonio Lara, Professor of Chemistry, NMSU
- 3:00 p.m. (19) [\*\*Intertribal Ceremonial Update\*\*](#)  
—John Beeman, President, Gallup Intertribal Indian Ceremonial Association
- 4:00 p.m. **Recess**

**Friday, September 27 — Pueblo of Zuni**

- 9:00 a.m. **Call to Order**  
—Senator John Pinto, Co-Chair, IAC
- 9:05 a.m. (20) [\*\*Invocation, Welcome and Status Update\*\*](#)  
—Governor Arlen P. Quetawki, Sr., Pueblo of Zuni
- 10:00 a.m. (21) [\*\*Dental Therapist: Meeting the Oral Health and Access Needs of the Native American Community\*\*](#)  
—Pamela Blackwell, Health Action New Mexico

- 11:30 a.m.      (22) [Higher Education: Update on Outreach to Native American Students by Northern New Mexico College \(NNMC\)](#)  
—Ricky Serna, Vice President for Advancement, NNMC  
—Matthew J. Martinez, Ph.D., Director, Northern Pueblos Institute;  
Assistant Professor of Pueblo Indian Studies, NNMC
- 12:30 p.m.      **Lunch**
- 1:30 p.m.      (23) [Zuni MainStreet](#)  
—Tom Kennedy, Director of Tourism and Director of the Pueblo of Zuni  
MainStreet  
—Mark Trujillo, Indian Tourism Program Director, Tourism Department
- 2:30 p.m.      **Tour of the Pueblo of Zuni**
- 3:00 p.m.      **Adjourn**

**TENTATIVE AGENDA  
for the  
FIFTH MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**October 28-29, 2013**  
**Inn of the Mountain Gods**  
**Mescalero**

## Monday, October 28

- |            |  |
|------------|--|
| 10:00 a.m. | <b>Call to Order</b><br>—Representative Sandra D. Jeff, Co-Chair, Indian Affairs Committee (IAC)   |
| 10:10 a.m. | (1) <b><u>Welcome, Invocation and Status Update</u></b><br>—Sandra Platero, President, Mescalero Apache Tribe  |
| 11:00 a.m. | (2) <b><u>Update from the Indigenous Design and Planning Institute (IDPI) of the University of New Mexico (UNM) School of Architecture and Planning</u></b><br>—Ted Jojola, Director, IDPI, UNM School of Architecture and Planning                      |
| 12:00 noon | <b>Lunch</b>   |
| 1:00 p.m.  | (3) <b><u>Gaming Control Board (GCB) and Oversight of Money Dedicated to Combat Problem Gambling</u></b><br>—Paulette Becker, Interim State Gaming Representative and Member, GCB<br>—Frank A. Baca, Interim Executive Director and General Counsel, GCB |
| 2:00 p.m.  | (4) <b><u>Status Report on Tribal Wastewater Projects</u></b><br>—Rick Martinez, Government Assistance Program, New Mexico Finance Authority<br>—Crispin Kinney, P.E., Tribal Infrastructure Planner, Indian Affairs Department                          |
| 3:00 p.m.  | (5) <b><u>Report on the National Federal Lands Conference</u></b><br>—Representative Yvette Herrell, District 51   |
| 4:00 p.m.  | <b>Recess</b>  |

**Tuesday, October 29**

- 10:00 a.m.           **Call to Order**  
—Representative Sandra D. Jeff, Co-Chair, IAC
- 10:05 a.m.       (6)   **Update on Indian Water Rights Settlements**  
—Scott Verhines, P.E., State Engineer; Secretary, Interstate Stream  
Commission (ISC)  
—Estevan López, P.E., Director, ISC
- 11:00 a.m.       (7)   **Update on the Tribal-State Gaming Compacts Negotiations**  
—Jessica Hernandez, Deputy Chief of Staff/General Counsel, Office of  
the Governor  
—Jeremiah Ritchie, Legislative Liaison, Office of the Governor
- 12:00 noon           **Lunch**
- 1:00 p.m.       (8)   **National Navajo Code Talkers Museum and Veterans Center**  
—Senator John Pinto, Co-Chair, IAC
- 2:00 p.m.       (9)   **AMIKids Sandoval: Education and Life Skills**  
—Roslynn L. Gallegos, B.S.W., Aftercare Coordinator, AMIKids  
Sandoval
- 3:00 p.m.           **Adjourn**

Revised: December 6, 2013

**TENTATIVE AGENDA  
for the  
SIXTH MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**December 9-10, 2013  
Buffalo Thunder Resort & Casino, Pueblo of Pojoaque  
Room 317, State Capitol, Santa Fe**

**Monday, December 9 — Pueblo of Pojoaque**

- 9:00 a.m.**            **Call to Order**  
                         —Senator John Pinto, Co-Chair, Indian Affairs Committee
- 9:10 a.m.        (1)    **Welcome, Invocation and Status Update**  
                         —George Rivera, Governor, Pueblo of Pojoaque
- 10:00 a.m.        (2)    **Proposed Mesa Hill Bridge Project**  
                         —Gregg P. Shutiva, Governor, Pueblo of Acoma
- 10:35 a.m.        (3)    **Public Education Transportation Boundary Agreements**  
                         —Representative Patricia A. Lundstrom
- 11:00 a.m.        (4)    **National Board for Professional Teaching Standards (NBPTS)**  
                         —Michelle Accardi, Director, State Policy and Advocacy, NBPTS
- 12:00 noon        (5)    **Working Lunch: Report by the Legislative Finance Committee (LFC)  
on the Gaming Control Board (GCB)**  
                         —Maria Griego, Program Evaluator, LFC  
                         —Paulette Becker, Interim State Gaming Representative and Member, GCB  
                         —Frank A. Baca, Interim Executive Director and General Counsel, GCB
- 1:00 p.m.        (6)    **Gaming Compact Negotiations Update: Pueblo of Pojoaque**  
                         —George Rivera, Governor, Pueblo of Pojoaque
- 1:40 p.m.        (7)    **Gaming Compact Negotiations Update: Pueblo of Acoma**  
                         —Gregg P. Shutiva, Governor, Pueblo of Acoma
- 2:20 p.m.        (8)    **Gaming Compact Negotiations Update: Jicarilla Apache Nation**  
                         —Ty Vicenti, President, Jicarilla Apache Tribe
- 3:00 p.m.        (9)    **Gaming Compact Negotiations Update: Mescalero Apache Nation**  
                         —Sandra Platero, President, Mescalero Apache Tribe



- 3:40 p.m. (10) [Gaming Compact Negotiations Update: Navajo Nation](#)  
—Ben Shelly, President, Navajo Nation  
—Johnny Naize, Speaker, Navajo Nation Council

4:20 p.m. **Recess**

**Tuesday, December 10 — Room 317, State Capitol**

- 9:00 a.m. **Call to Order**  
—Senator John Pinto, Co-Chair, Indian Affairs Committee
- 9:05 a.m. (11) [University of New Mexico School of Law \(UNM SOL\) and Its Commitment to Native Americans](#)  
—David J. Herring, Dean, UNM SOL  
—Christine Zuni Cruz, Associate Dean, Indian Law Program, UNM SOL
- 9:45 a.m. (12) [Update on the Jobs Council](#)  
—Raúl E. Burciaga, Director, Legislative Council Service
- 10:15 a.m. (13) [New Mexico Dental Association \(NMDA\) Update](#)  
—Dr. Julius Manz, President, NMDA, Director, San Juan College Dental Hygiene Program  
—Dr. Tom Schripsema, Legislative Liaison for the NMDA
- 11:00 a.m. (14) [Mapping the Landscape of Health Care Careers at UNM-Gallup](#)  
—Dr. Peter Winograd, Director, Center for Education Policy, UNM
- 12:00 noon (15) [Working Lunch, Higher Education Initiatives](#)
- 1:00 p.m. **Consideration of Legislation for Endorsement**
- (16) [Appropriation for the Navajo Codetalker Museum](#)  
—Senator John Pinto
- (17) [Used Car Warranty Bill](#)  
—Senator John Pinto
- (18) [Appropriation for the Indian Resources Development Program at New Mexico State University](#)  
—Representative James Roger Madalena
- (19) [Creation of a Native American Veterans Division in the Veterans' Services Department](#)  
—Representative Sandra D. Jeff

(20) [Appropriation to Fund Navajo American Suicide Prevention Programs](#)  
—Representative James Roger Madalena

(21) [Modifying Federal Revenue Deductions from State Equalization Guarantee Distributions for School Districts Located Entirely Within the Boundaries of Indian Reservations or Pueblo Land Grants](#)  
—Representative Eliseo Lee Alcon  
—Martin G. Romine, Director of Finance, Zuni Public School District

3:00 p.m.

**Adjourn**

# Minutes

**MINUTES  
of the  
FIRST MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**June 5, 2013  
Room 307, State Capitol  
Santa Fe, NM**

The first meeting of the Indian Affairs Committee (IAC) was called to order by Senator John Pinto, co-chair, on June 5, 2013 at 10:05 a.m. at the State Capitol in Santa Fe.

**Present**

Rep. Sandra D. Jeff, Co-Chair  
Sen. John Pinto, Co-Chair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Sharon Clahchischilliage  
Rep. Patricia A. Lundstrom  
Rep. James Roger Madalena  
Sen. Richard C. Martinez  
Sen. Cliff R. Pirtle  
Rep. Jane E. Powdrell-Culbert  
Sen. Nancy Rodriguez  
Sen. Benny Shendo, Jr.  
Sen. William P. Soules

**Absent**

Sen. John C. Ryan

**Advisory Members**

Rep. Ernest H. Chavez  
Rep. Zachary J. Cook  
Sen. Daniel A. Ivey-Soto  
Rep. Georgene Louis  
Rep. Debbie A. Rodella  
Rep. Patricia Roybal Caballero  
Rep. Nick L. Salazar  
Sen. Clemente Sanchez

Sen. Carlos R. Cisneros  
Sen. Stuart Ingle  
Rep. Antonio "Moe" Maestas

**Staff**

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)  
Monica Ewing, Staff Attorney, LCS  
Abby Wolberg, Law Student Intern, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Handouts and other written testimony are in meeting file.

**Wednesday, June 5****Welcome, Introductions and Invocation**

Senator Pinto welcomed the committee and members of the audience and asked everyone to introduce themselves. Arthur P. Allison, secretary of Indian affairs, delivered an invocation.

**Interim Committee Procedures**

Raúl E. Burciaga, director, LCS, described several interim legislative committee procedures. Interim committee work should terminate by October 1, 2013 unless the New Mexico Legislative Council authorizes meetings after that date. Advisory members may not vote on official committee actions and voting members may take action by roll call votes, by a show of hands or by consensus. Eight voting members constitute a quorum of the committee. Without a quorum, the committee may still operate as a subcommittee and take testimony and receive presentations, but it may not take any official action. Interim meetings held in the State Capitol are webcast.

**Indian Education: Programs and Priorities**

Paul Aguilar, deputy secretary, Public Education Department (PED), greeted the committee on behalf of Hanna Skandera, secretary-designate, PED, who was unable to attend. Mr. Aguilar identified and discussed the following four Indian education initiatives of the PED, which are aimed at ensuring success of all students: 1) the State-Tribal Education Partnership (STEP) grant awarded to the Navajo Nation; 2) instructional training and professional development in connection with Common Core State Standards (Common Core); 3) the reassignment of personnel in the Indian Education Division (IED) of the PED; and 4) the New Mexico Real Results initiative.

Regarding the STEP grant, Mr. Aguilar stated that the federal government awarded the Navajo Nation a grant to allow the nation to work directly with school districts on overseeing federal programs, funding and language maintenance. The final agreement between the federal government and the Navajo Nation will be signed and finalized soon. Several pueblos submitted a STEP grant proposal as a consortium, but a grant was not awarded.

Mr. Aguilar noted several areas of concern related to the Navajo Nation's STEP grant agreement, including access to and sharing of student data and evaluating students' classroom performance. Certain data must be collected, and certain entities are permitted to share data with the PED. The PED wants to be able to share some data with the Navajo Nation. The PED is addressing how data are shared, including hand-carrying data, rather than electronically

transmitting data, to ensure that data are safe and that data are destroyed after use. The PED wants to provide for a native language component of the Common Core and hopes to have a final agreement on that issue by June 30, 2013.

Regarding the PED's second initiative, Mr. Aguilar indicated that trainings on instruction, language and the "race-to-lead" are being rolled out regionally. The PED is making arrangements so that professional development training will be held in locations in local communities outside Santa Fe and Albuquerque.

On the PED's third initiative, Mr. Aguilar stated that the IED is housed in Santa Fe and Gallup, and because there are tribes and pueblos all around the state, the PED wants to move some personnel onto the Navajo Nation in the northwest part of the state to better serve the area. The PED is closing its current Gallup office and moving a staff person into the Gallup schools; no IED positions are being eliminated. The PED will also place a staff person in the Central Consolidated School District in San Juan County to reduce required travel and to increase efficiency and effectiveness. He read aloud an official statement by the PED regarding this issue. Finally, Mr. Aguilar pointed committee members to pages 11 and 12 of the PED's presentation materials for an image showing how the PED will regionalize its staff. The PED will evaluate these changes throughout the year to see if additional changes need to be made.

Regarding New Mexico Real Results, the PED's fourth initiative, Mr. Aguilar said that the PED is working with the Office of Special Education Programs, U.S. Department of Education (USDE), and with Santo Domingo schools, the Bernalillo Public School District, Mesa Elementary School and the Central Consolidated School District to focus on special needs children in a yearlong pilot program. Thus far, he noted, results show that participating children are exceeding their non-special education peers in relative growth (not overall performance) because of the intense focus of the program. The PED will look at year-end reports to consider expanding the pilot group.

On the topic of the STEP grant, Mr. Aguilar stated that the PED worked with the Dine Department of Education and separately with the pueblos in writing the grant proposals. The USDE decided to award just a few grants nationwide.

- A representative made a motion, which was seconded and passed, asking that the PED make a formal request to the USDE to explain why the pueblo consortium proposal was not awarded.

Dr. Ferlin Clark, assistant secretary for Indian education, PED, addressed the committee on the topic of the STEP grant and notified the committee that about \$2 million was identified by the U.S. government for the grant program. The PED and the tribes had only three or four weeks to prepare and submit proposals. He noted that he worked with the pueblo consortium on its proposal. A status report will be provided at the upcoming State-Tribal Summit. At this point,

eight dialogue sessions have been held on the topics of the Impact Aid program, Common Core, language and special education.

On the issue of funding, Dr. Clark reported that \$1.824 million was provided for Indian education, and he noted that the IED is working on behalf of all students, including rural and urban Indians. The IED wants to develop a plan to address language retention to help students succeed. The IED wants to work with tribes and pueblos on multicultural and bilingual education.

Members of the audience who serve on the Indian Education Advisory Council (IEAC) addressed the IAC and expressed their thoughts on the changes being made within the PED.

Gilbert Sanchez, former educator and member, IEAC, noted that there have been many concerns with implementation of the Indian Education Act. It will be helpful to identify issues at a local level. The Indian Education Act is supplemental to and does not supplant education law. Funding will be an important part of the first year of language programs and will impact the programs in later years.

Keith Franklin, member, IEAC, explained that there is not enough collaboration with the PED and the changes within the PED were not made with the IEAC's input. The IEAC could be more effective if it is a commission instead. How to contact and serve the large population of urban Native Americans throughout the state is an important issue. There are approximately 3,500 Navajo students in the Albuquerque public schools, and the Indian Health Service hospital in Albuquerque serves over 440 tribes. The number of homeless Native American students is also a significant issue. The annual report (the "Moccasin Report") he publishes on New Mexico's Indian population shows that the number of homeless Native American students grew from about 4,000 to more than 12,000. The report also shows that the achievement gap for Native American students is a significant concern. Mr. Franklin offered to send a copy of the report to the committee members and mentioned that he has sent copies of the report along with his suggestions to the PED, Governor Martinez and President Obama, but he has received no replies.

Pauline Billie, member, IEAC, stated that after the Indian Education Act was passed, funds were provided to the IED and it may be necessary to look at how those funds were used and what progress was made.

A committee member raised a concern regarding state education-related waivers to be granted by the USDE. The committee received notification that the USDE had granted a waiver for 2010, but had denied a waiver for 2011. The figures cited in the letter from the USDE were not the numbers provided by the PED, and the matter may be heard in a hearing with the USDE. If the waivers are not granted, the state's special education grant would be reduced and the state's budget would be impacted in the amounts of \$12 million for fiscal year (FY) 2010 and \$20 million for FY 2011.

Several members expressed concerns about funding provided to the IED. Of the \$1.8 million the IED received, \$500,000 was used for contracts and another \$700,000 was used for required expenditures, including payments to nonprofit organizations like Save the Children and Teach for America. Too much funding is being provided to the nonprofit organizations when it should be given to school districts with concentrated Native American student populations. The IAC has never received a report from Save the Children or Teach for America, and based on the amount of funding the legislature provides to PED for those programs, the committee should receive reports from them.

Another committee member expressed serious concerns about teachers being recruited from Asian countries by Teach for America to teach at Newcomb, Shiprock and Naschitti. Community members are concerned that those teachers are replacing Navajo teachers and that they have difficulty speaking English and communicating with students and parents. A member also said that she saw an advertisement that effectively stated, "If you would like an easy teaching job with good pay and well-behaved students, come to the Navajo Nation.". The member suggested that the PED should be inquiring about those kinds of advertisements.

- A committee member requested that the report Dr. Clark referenced be provided to the IAC.
- A committee member requested that, by the end of the interim, the IED provide a report showing its budget, staffing patterns and subcontractors, along with information on how subcontractors' work relates to the core curriculum.
- A committee member requested a report from the IED on the status of USDE waivers for the PED because that information will impact the PED's budget.

In response to IAC members' comments relating to PED funding and the STEP grant, Mr. Aguilar stated that the \$400,000 used for Teach for America programs is all being used in the Gallup-McKinley County School District. The PED has used a request for proposals process (RFP), and Teach for America and Save the Children are some of the only applicants. He voiced his concerns and said the PED will investigate possible advertisements like the one highlighted by the committee member.

Mr. Aguilar noted that the Indian Education Act allows funding for the two administrators and the support staff person in Gallup, but it does not fund every position in the IED. The other four positions in the IED are funded through the PED's general appropriations. The PED is committed to adding another staff member. The administration of the STEP grant will not involve IED staff members, but because the PED is the grantee, the PED will oversee the Navajo Nation's administration of the grant.

Mr. Aguilar also responded to concerns about the teachers being recruited by Teach for America. He recalled that the PED supported unsuccessful legislation that would have provided financial incentives, including performance-based incentives, to teachers working in certain schools. He oversees the teacher licensure process for the state. Teach for America conducts



most of its recruiting in the United States. Having noted the need for special education teachers in the United States and separate from Teach for America, the Philippines has sent many teachers to the United States and many arrive to teach in New Mexico because the state offers licensure reciprocity.

On the issue of teachers' cultural awareness and training, Mr. Aguilar informed the committee that the PED is working on a proposal and looking for outside funding to start a program to internally recruit teachers who might eventually teach in their own communities. The program would identify middle school students interested in teaching and provide support to help those students eventually become teachers.

A committee member reported that Arizona has successful graduate programs in education and native languages and New Mexico should be recruiting out of programs like those in Arizona. Advisory committees and cultural awareness experts, including volunteer members, should be used to support students and parents with issues related to culture and language. The committee member expressed a desire to help, not to place blame for the concerns.

Another committee member mentioned that school districts should also be held accountable for concerns in the schools. Funds should be used to invest in and recruit teachers from within communities because they will be more likely to work in their communities. As an incentive, professional teacher education tuition could be covered to help prepare teachers to teach in their own communities. The member acknowledged that PED representatives visit tribes and pueblos during feast day celebrations, but asked that they visit at other times as well when the tribes and pueblos can discuss business.

- The committee member made a motion, which passed without opposition, requesting the PED to make a presentation on the roles and responsibilities of the IED staff, a description of how they work with school districts and whether school districts describe their collaborations with the IED to be effective.

Mr. Aguilar noted that IED staff members attend every school board meeting to ensure meetings are well-run and in compliance with the Open Meetings Act.

Returning to the discussion of the PED's reassignment of personnel, Representative Jeff mentioned to Dr. Clark that she was not involved in speculations or discussions about the reassignment. She noted that she prepared a letter to Secretary-Designate Skandera about the reassignment. (See letter dated May 9, 2013 in the meeting file.) Representative Jeff also noted that she received a response from Secretary-Designate Skandera on June 5, 2013 but that she still has concerns about the reassignment of personnel. She inquired whether the reassignment was due to a lack of funding, when the reassignment is going to take place and whether the affected school districts are aware of the reassignment. She expressed her regret that Secretary-Designate Skandera was not in attendance to answer questions about the reassignment and requested her

attendance at the next meeting. She also requested that the IEAC members attend the IAC meetings.

- Representative Jeff requested an organizational chart for the IED and asked that Dr. Clark provide answers to her questions regarding the reassignment of personnel at the IAC's next meeting.

In response, Mr. Aguilar provided his telephone number and said that the PED can schedule meetings to help resolve issues.

- A member made a motion to ask the New Mexico Legislative Council to consider creating a subcommittee of the Legislative Education Study Committee and the IAC to study Impact Aid and how funding is being expended. A member seconded the motion for the purpose of discussion. The motion passed without opposition.

### **Indian Affairs Department (IAD): Programs and Priorities**

Secretary Allison reported that the IAD is working to ensure effective government-to-government interactions among the tribes, pueblos and the state. Duane Duffy, deputy secretary, IAD, directed the members to the IAD's presentation materials. (See PowerPoint presentation entitled "IAD Programs and Priorities Presentation to the Interim Indian Affairs Committee".) Mr. Duffy's presentation addressed the following: the history, role and mission of the IAD; IAD staff members; the IAD's strategic plan; the core duties of the IAD; the 2013 Tribal Infrastructure Fund (TIF) funding cycle and projects; and the upcoming State-Tribal Summit.

Crispin Kinney, tribal infrastructure planner, IAD, reported more details on the current and coming years' TIF funding cycles and referred the committee to slide #10 of the IAD's presentation materials. Ninety-nine TIF applications were initially received by the IAD, and after a review process, the number of applications was reduced to 40. The 40 applicants made formal proposals to the IAD, which applied the scoring criteria shown in slides #12 through 16, and ultimately the IAD awarded \$16.3 million to 19 project proposals.

Mr. Duffy noted that the IAD also assists communities with special project funding, which is not a permanent funding source but a short-term subsidy until a tribe identifies permanent funding. The deadline for special funding proposals is June 10, 2013.

Autumn Monteau, general counsel, IAD, discussed the agenda for the upcoming State-Tribal Summit. The IAD formed a Summit planning committee, which surveyed tribes and pueblos regarding topics to be addressed at the summit. The planning committee narrowed the topics down to four: Indian education; water rights and natural resources; health; and infrastructure and economic development. All survey responses were provided to the governor and relevant agencies. State agencies were also asked what issues they would like to address with tribal leaders. The planning committee met with agency secretaries and tribal liaisons to prepare for the summit.

The summit will be a full day of open dialogue between tribes and Governor Martinez's administration. The first day of the summit is a networking session for state agencies and tribal leaders. Tribes can address specific issues at the networking session. The second day of the summit will include discussion of the four topics identified by the planning committee.

Jerry Sandoval, division director, Economic Development and Tourism Division, IAD, addressed the committee on issues related to economic development and explained his presentation materials entitled "New Mexico Department of Indian Affairs, Tribal Economic Development and Infrastructure". (See materials in meeting file.) The MainStreet program in the Pueblo of Zuni is the first Native American MainStreet in the United States. The project was successful, and public meetings on it were well-attended.

Mr. Sandoval stated that the Community Development Financial Institutions Fund (CDFI) is one of the most important IAD programs. The CDFI brings the IAD together with New Mexico-certified native community development financial institutions to help provide financial products, including business development, home-ownership education, financial education and business planning services to Native Americans. The IAD is also working on a financial education program to address predatory lending.

Mr. Sandoval also addressed the following topics, each detailed in his presentation materials: the Minority Business Development Agency; a grant writing and technical assistance program, using funds from the Kellogg Foundation; the Eight Northern Tribal Youth Behavioral Health Facility in Taos; additional Kellogg Foundation funding requests; state health initiatives; tribal business development involving the Regional Development Corporation, Los Alamos National Laboratory and Los Alamos National Security, LLC; Native Brand food products; the New Mexico Tribal Roundtable; the Native American Economic Development Summit; the New Mexico Infrastructure Finance Conference; the "8(a) SBA Program"; the Southwest Native Green Loan Fund; business development; and the Zuni MainStreet program.

Mr. Duffy concluded by commending the staff of the IAD for the hard work they do with the IAD's limited resources.

A committee member asked how State-Tribal Summit action items identified throughout the year are reported back to tribes. Mr. Duffy stated that throughout the year, the IAD tries to relay progress on commitments made by the state to tribes. Each year at the summit, the IAD reports on whether and which commitments were met. The IAD's web site provides access to every state agency's final report, which is an additional tool for gauging progress.

A committee member inquired about a professional services contract made with a company in Albuquerque to perform a survey of tribal gaming. Secretary Allison responded that in the 2011 State-Tribal Summit, Indian gaming was identified as a major area of economic development. The gaming industry would like the state to acknowledge the development

potential for the purposes of funding. The governor has acknowledged that the gaming industry is not just gaming but also tourism and an enterprise. Mr. Sandoval added that the Encuentro firm is performing the survey and about half the tribes are participating. The survey will study several items, including: how much gaming money is returning to the state; tribal versus non-tribal employees in gaming; and tax issues. The tribes not participating were not willing to provide financial information. The IAD will receive percentages and statistics from the firm's survey and does not have access to any of the financial information that is provided by the tribes due to a nondisclosure agreement between Encuentro and the tribes.

- A committee member asked that a copy of the report be provided to the committee members when it is completed.

In response to a question about TIF funding and reports to the committee, Mr. Duffy stated that the IAD generally receives notice of how much TIF funding will be available in July or early August, so the next funding process will begin in September. He noted that all TIF funding is earmarked for "brick and mortar" projects and that the IAD assesses whether a tribe will have funding for operation and maintenance once a building project is completed. The IAD currently does not have funding to assist with operation and maintenance projects.

- The committee member requested that the IAD provide the committee with a report showing all TIF funding requests received by the IAD and the other items shown in reports the committee historically has received.

On the topic of the State-Tribal Summit, several members expressed concerns that tribal leaders are frustrated about the lack of opportunities to meet one-on-one with the governor and not only with members of the governor's cabinet. One committee member asked that Secretary Allison relay that concern to the governor. Mr. Duffy stated that the IAD relays requests it receives from tribes regarding meetings with the governor. He also recalled that the first day of the State-Tribal Summit will offer tribes an opportunity to express concerns to the governor. Secretary Allison also stated that the governor has provided her phone numbers and has offered to meet and has met with many tribal leaders. He suggested that it may be necessary for more than one State-Tribal Summit to be held each year.

- A committee member asked that the IAD inform the IAC about which tribes have had one-on-one meetings with the governor.
- A committee member asked that the IAD provide the committee with a list of all tribal liaisons and with information about the possible duplication of efforts between the Economic Development Department (EDD) and the IAD.

Mr. Duffy stated that a listing of tribal liaisons is available on the IAD's web site and that the IAD would provide a listing to the committee. He noted that the IAD is working on memorandums of understanding (MOUs) with the Tourism Department (TD) and EDD to develop a plan on how to work together without duplicating efforts. Secretary Allison added that

he collaborates with Secretary Jon Barela of the EDD on projects such as the expansion of Raytheon in Farmington, but there is no duplication of work between them. He stressed that there are many issues tribes face, including up to 80% unemployment rates, and that collaboration is the key if the IAD is going to be effective.

A member asked whether individual tribes are taking advantage of the TD's New Mexico True tourism campaign. Mark Trujillo, Indian tourism program director for the TD, stated that the TD, through the New Mexico True campaign, has reached out to all the tribes to include them in promotions and has asked the IAD for assistance in coordinating with tribes. The TD's web site, [www.newmexico.org](http://www.newmexico.org), is an access point for tribes, and the TD can assist with creating specific advertisements, on the web site or in print.

In response to a question about capital outlay funds, Mr. Duffy noted that the IAD's role is to act as a fiscal agent, ensure that intergovernmental agreements are executed and oversee that materials for projects are purchased and tribes are meeting deadlines so that the funds do not revert. Secretary Allison reiterated that it is with respect to capital outlay funds, as opposed to TIF funds or special project funds, that the IAD acts as the fiscal agent. He added that if the committee members need to know which parties are in an intergovernmental agreement, Ms. Monteau can provide that information. Ms. Monteau explained that after funds are appropriated, the IAD enters into an intergovernmental agreement with a chapter of the Navajo Nation or with a tribe and requests a description of the scope of work from the chapter or tribe. Once the project is started, the IAD oversees the project to ensure that it is completed.

Mr. Duffy reminded the IAC of the June 10, 2013 deadline for special funding requests and stated that the notice related to the funding deadline is on the IAD's web site. Secretary Allison added that urban tribal members can also submit proposals.

A committee member asked a question about a recent executive order from the governor related to project audits, and Mr. Duffy replied that the order applies to all capital outlay projects regardless of whether they are located on or off Indian land. The IAD is coordinating with the Department of Finance and Administration (DFA) on how to address audits of capital outlay projects. Ms. Monteau added that the executive order is aimed at ensuring that grantees of funds are fiscally responsible and accountable. The DFA has proposed uniform funding criteria and audits.

A committee member suggested that the IAD consider redesigning its web site to include more photographs and information about what is taking place in the state.

### **2013 Legislation — Summary**

Mr. Kovnat explained that the members had a list of committee-endorsed legislation during the last interim and for introduction in 2013. He provided an update of which measures did and did not pass.

- A few committee members requested a report toward the end of the interim showing how appropriated funds will be or were used and by whom. One member requested that a list of relevant legislation, for use in preparing the report, could be obtained from an analyst with the Legislative Finance Committee.

### **Discussion of Focus Areas, Work Plan and Meeting Schedule**

Mr. Kovnat reviewed the proposed work plan and meeting schedule with the IAC. Several IAC members had comments on the work plan and the following topics were suggested for inclusion in the work plan: solid waste cleanup; railroad access points on tribal lands; competitive court orders; cross-deputizing tribal police officers; health care; elder care and senior centers; dental therapist licensure; transportation and road projects and the taxation of gasoline and service stations; and telecommunications and internet availability and telephone billing concerns.

Several committee members made suggestions regarding meeting locations and discussed several options for revisions to the schedule. The committee asked Mr. Kovnat to determine if the following changes could be made to the meeting locations: July — visit the Pueblo of Acoma instead of the Pueblo of Cochiti; August — visit Ohkay Owingeh if a visit to Taos could not be arranged; September — consider meeting at the Fire Rock Casino and the Pueblo of Zuni; October — consider visiting the Jicarilla Apache Nation; November — request that the New Mexico Legislative Council approve an additional meeting day; December — Santa Fe.

### **Adjournment**

There being no further business before the committee, the first meeting of the IAC for the 2013 interim adjourned at 3:24 p.m.

**MINUTES  
of the  
SECOND MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**July 15-17, 2013  
Pueblo of Isleta  
Pueblo of Santa Ana  
Pueblo of Santo Domingo**

The second meeting of the Indian Affairs Committee (IAC) was called to order by Representative Sandra D. Jeff, co-chair, on July 15, 2013 at the Pueblo of Isleta, Isleta Resort and Casino (Hotel), Grand Ballroom C.

**Present**

Rep. Sandra D. Jeff, Co-Chair  
Sen. John Pinto, Co-Chair  
Rep. Eliseo Lee Alcon (July 15-16)  
Rep. Alonzo Baldonado  
Rep. Sharon Clahchischilliage  
Rep. Patricia A. Lundstrom (July 15)  
Rep. James Roger Madalena  
Sen. Richard C. Martinez (July 15-16)  
Rep. Jane E. Powdrell-Culbert  
Sen. Nancy Rodriguez  
Sen. Benny Shendo, Jr. (July 15-16)

**Absent**

Sen. Cliff R. Pirtle  
Sen. John C. Ryan  
Sen. William P. Soules

**Advisory Members**

Rep. Ernest H. Chavez  
Rep. Zachary J. Cook (July 15)  
Rep. Tim D. Lewis (July 16)  
Rep. Georgene Louis  
Rep. Debbie A. Rodella  
Rep. Patricia Roybal Caballero  
Rep. Nick L. Salazar (July 15-16)

Sen. Carlos R. Cisneros  
Sen. Stuart Ingle  
Sen. Daniel A. Ivey-Soto  
Rep. Antonio "Moe" Maestas  
Sen. Clemente Sanchez

(Attendance dates are noted for members who did not attend the entire meeting.)

**Staff**

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)  
Monica Ewing, Staff Attorney, LCS  
Branden M. Ibarra, Graduate Student Intern, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Handouts and other written testimony are in the meeting file.

**Monday, July 15****Invocation, Welcome and Introductions**

Representative Jeff welcomed the committee and members of the audience and asked everyone to introduce themselves. Governor E. Paul Torres of the Pueblo of Isleta delivered an invocation.

**Pueblo of Isleta: Programs, Projects and Priorities**

Governor Torres greeted the committee and mentioned some of the main concerns, programs, projects and priorities facing the Pueblo of Isleta and its members. Governor Torres introduced Steve Abeita, resource division manager of the pueblo. Mr. Abeita discussed the duties of his department: transportation, natural resources, utilities, environment, community development, surveying and mapping.

Mr. Abeita's presentation focused on the priorities of the pueblo: an assisted living project for an estimated cost of \$700,000; reconstruction of an infrastructure project for an estimated cost of \$250,000; and a water treatment facility for an estimated cost of \$150,000. Mr. Abeita mentioned that the water treatment facility project is currently the pueblo's second-highest priority project behind the Water Trust Board grant, which is currently estimated as a \$1 million project. The land for the Isleta Veterans Center was donated by one of the pueblo's members, and, although overall estimates for the entire project are still underway, an estimated \$188,000 in capital outlay funds has been allocated. A fire prevention strategy is also in its initial stages; an estimated 200 acres of land has been allotted for this project, which has the objective of improving the natural habitat to reduce wildfire hazards.

Committee members discussed the name change of the Hard Rock Hotel and Casino back to the original Isleta Resort and Casino.

Governor Torres informed the committee that the name change was in the best interests of the pueblo because the high franchise cost of operating as the Hard Rock Hotel and Casino, which was an estimated \$1 million per year, was resulting in revenue losses.

**American Indian Education: Programs and Priorities**

Rich Bland, senior director and policy/advocacy representative of Save The Children (STC), delivered an overview of three main areas of development: early childhood, literacy and students in high-risk or emergency situations. Partnering with the state, STC has fully committed to achieving cultural enhancement through cradleboard construction, hogan construction, sand art



fundamentals and the importance of feathers in Indian art, dreamcatcher construction and mask construction. Other activities include hiring local storytellers and incorporating local traditions into the curriculum. Mr. Bland also mentioned that a portion of the funding for books is dedicated specifically to culturally designed materials. Although funding is and always has been an issue, for every \$300,000 invested by the state, STC will match that amount through private or public contributions.

Tony Archuleta, principal of the San Diego Riverside Charter School of the Pueblo of Jemez, hailed STC for making tremendous strides in regard to student progression. He disclosed that STC is changing the lives of his students and that it "is making a big difference" in their academic performance. His students are performing at higher levels and feeling safer and happier in school.

Mr. Bland stated that the program was established within counties that are facing high poverty rates, isolation, high unemployment and a lack of community resources and that are receiving less per capita federal funding and private charitable funding than urban areas. Students are selected for the program based on transportation issues, being in families with limited formal education and other high-risk factors.

Committee members discussed the time and money that the state has invested in STC. Mr. Bland responded that an estimated 2,700 students have participated in the program and that he would provide the fiscal information at a later time. Mr. Archuleta intervened in regard to the question of program costs by stating that as principal of the San Diego Riverside Charter School, his operating budget for the STC program was an estimated \$1 million. A committee member then asked what percentage of the estimated \$1 million operating budget is allocated to salaries of STC staff. Mr. Archuleta answered that an estimated 80% of the budget is allocated to benefits and salaries of the staff. The committee member then stated that only 20% of the operating budget was left for individual students enrolled in the STC program. The committee member expressed surprise at the estimates, and further information was requested in regard to appropriations and financing of the program. The committee member mentioned that if an estimated 80% of the operating budget is being allocated to administration, the cost is rather high in comparison to funding being invested in students.

Committee members discussed a headline from a Gallup newspaper about how public schools within McKinley County went from "failing to failing" or received an F letter grade, according to the Public Education Department (PED). Committee members directed a series of questions toward Mr. Bland in regard to this poor academic performance, requesting information connecting STC and the Indian Education Act (IEA) and why these schools are performing at a failing level.

Mr. Bland's response was that only a very limited number of children can benefit from STC due to funding limitations and that the intention of the program is to benefit the entire school, although constraints on funding make that extremely difficult to achieve.

After a series of questions regarding McKinley County and its public schools, committee members demanded transparency and clarity. In addition, further information was requested from both the Indian Education Division (IED) of the PED and STC.

Representative Jeff asked if there were any members of the audience who represented the IED or the PED. There were not.

A committee member asked Mr. Bland how schools are selected to participate in STC. Mr. Bland responded that the IEA created the IED. Also, schools are selected to participate in STC based on the poorest children residing in the poorest counties being granted the highest priority. Committee members discussed the mechanism by which students are selected to participate in the program, asking whether it is based on recommendations or voluntary selection.

Mr. Archuleta stated that teacher referrals, in addition to the New Mexico-based assessment examination, are the factors that would determine a student's admission into the STC program. On the subject of standards-based examinations, committee members asked if standardized testing was an accurate tool to measure student success or potential or if other methods or tools are applied to measure student success more accurately. Committee members also raised the issue that Native American languages may cease to exist in 30 years and that this is one of the main issues facing the Native American community, not just within the state, but across the nation.

Mr. Bland's response to the committee on the issue of measuring student success was that, although controversial, the measurement was indeed based on standardized testing.

A committee member weighed in on student failure rates across the state, raising the issue that perhaps student performance is affected by contributing factors outside the classroom. In addition, Mr. Bland was asked how often tests are administered to students participating in STC. Mr. Bland's response was that students are tested at the beginning, middle and end of the program.

Committee members raised the issue of funding allocations. One member stated that the results of student performance do not justify the state allocating an estimated \$300,000 to STC. Mr. Bland replied that he could not accurately answer funding related questions.

Representative Madalena made a motion, seconded by Representative Lundstrom, that a letter be submitted to PED and IED staff asking them to make an effort to attend IAC hearings so that committee members may ask questions in regard to transparency and clarity of educational issues facing the Native American community. With no objections, the motion passed.

On the subject of student performance, committee members discussed Indian education as a "double-edged sword", noting that standardized testing is not an accurate tool of measurement due to Native American language barriers.

Mr. Bland replied that he agreed entirely that cultural and linguistic preservation is critical for any student's success, and he said that STC is working alongside the IED in regard to training programs in both of these areas.

### **Minutes**

Representative Jeff introduced a motion, seconded by Representative Madalena, for the approval of the minutes of the previous IAC meeting. The motion carried with no objections.

### **An Overview of the Pueblo of Isleta's Involvement with the State Regarding Water and the Environment**

Ramona M. Montoya, division manager of the Pueblo of Isleta Public Services Department's Environment Division and secretary of the Coalition of Six Middle Rio Grande Basin Pueblos, began her presentation by discussing the transportation corridors between the Pueblo of Isleta and the State of New Mexico. Major congestion has been negatively affecting the pueblo. Other issues of concern are the environment, the Gaming Palace and the exclusion of tribal lands from the state's water plan. Another area of concern is the number of regulatory incidents involving pollution, permits on air quality and landfill permits. Ms. Montoya stated that contact has been made between the pueblo and the Department of Environment. A hunter safety program and other training programs are being discussed.

On the issue of water, the Water Surface Act of 1993 is still in effect and is applicable to all surfaces or bodies of water within the reservation.

The Clean Water Act is still in effect, and the pueblo is working collaboratively with the Department of Transportation for storm water control infrastructure and transportation engineers to reduce congestion and to address other related issues. Another very important initiative being stressed by the pueblo is pollution control, including cooperating with state agencies to keep the Rio Grande clean.

### **Issues of Concern to the Middle Rio Grande Pueblos and How the State Legislature Can Help**

Governor Torres spoke about issues of concern to the middle Rio Grande pueblos and how the legislature can help. Water management has become increasingly difficult due to global climate change affecting snowfall and spring runoff; drought; historic and current domestic, municipal and industrial ground water use; and the Endangered Species Act. Governor Torres asked for the state's support for pueblo efforts to develop and fund new approaches to maximize usable water supplies and to construct the infrastructure improvements necessary to use available water efficiently. The federal Pueblo Irrigation Infrastructure Improvement Act from 2008, which was established to survey the state of Indian irrigation infrastructure along the entire Rio Grande, authorized \$6 million per year for irrigation efficiency improvements through the end of the decade. Unfortunately, Congress has not appropriated any funds to support this important endeavor. Governor Torres asked for state support to secure federal funding to complete the survey.

Another key issue facing the Pueblo of Isleta is water storage. Storage restrictions imposed by the Rio Grande Compact are resulting in serious water supply issues. Currently, water is stored each spring in the El Vado Reservoir from the six pueblos under the terms of the 1981 storage agreement between the pueblos and the federal Bureau of Reclamation of the U.S. Department of the Interior.

At the conclusion of Governor Torres' testimony, one of the committee members asked if, according to the most recent United States Supreme Court ruling on the issue of water, the Office of the State Engineer reserves the right and authority to store and release water according to the capacity of the state's water supply. Governor Torres stated that the federal Bureau of Reclamation, not the Office of the State Engineer, reserves the right to store and release water to the various federally recognized Indian nations, tribes or pueblos.

### **Cross-Deputization/Dual Endorsement of Tribal Officers and Questions of Jurisdiction, Enforcement of Protective Orders and Full Faith and Credit: A Perspective from the Pueblo of Isleta**

Kevin Mariano, chief of police, Pueblo of Isleta, presented testimony on the subject of cross-deputization and dual endorsements of tribal officers. He stated that the cross-jurisdictional border agreements between law enforcement agencies could be found in Section 29-1-11 NMSA 1978. The requirements of tribal police officers to qualify for cross-deputization are as follows:

- U.S. citizenship;
- a high school diploma (minimal requirement);
- a New Mexico driver's license;
- a clean record;
- passing a standardized examination; and
- proof of insurance by the Pueblo of Isleta.

Chief of Police Mariano was asked by committee members about cross-commissions. Are state law enforcement officers commissioned to enforce the laws on tribal lands and vice-versa? Chief Mariano stated that, due to jurisdiction and other factors, that is not the case.

Committee members discussed whether an American Indian who is in violation of state law and within the jurisdiction of the state forfeits rights as a Native American. In addition, does the pueblo reserve the right to convert criminal law into civil law for offenses committed within the boundaries of the reservation?

Governor Torres weighed in on the issue of public safety. In 2013, House Bill 306 (HB 306) was introduced to address cross-deputization, jurisdictional disputes and tribal sovereignty. HB 306 basically states that all tribal citations should be turned over to the State of New Mexico.

Brian Carr, captain of the Laguna Pueblo Police Department and former member of the Albuquerque Police Department, stated that cross-commissions create serious limitations for tribal officers enforcing the law on nontribal members. In many instances, tribal officers are denied assistance by both county and state officials when enforcing violations of tribal laws by nontribal members. This is a huge risk and area of concern because of the ongoing increase in criminal behavior on or near the various Indian pueblos, tribes and nations.

Committee members discussed the issue of sovereignty. Members expressed the following views:

- Every tribal government is its own nation and governs itself accordingly.
- State laws do not apply on tribal lands; they only apply on state lands or within state boundaries.
- Legislation intended to apply to or for two independent sovereign nations would result in a colossal failure and a series of immense and complicated lawsuits.
- Mutual respect and recognition between the state and tribal governments should exist.
- Sovereign states forcing laws on one another is not good legislation and is overall bad policy.
- There is no "one-size-fits-all" legislation, so the best solution is to work collaboratively to enforce the law.

Tammi Lambert, legal representative of the Pueblo of Laguna, was requested to make a presentation on the ongoing liability issue. The federal government is working alongside various tribal governments to achieve public safety. Through the Federal Tort Claims Act, tribal officers are covered and protected; however, intentional tort claims are not.

Representative Jeff requested that Governor Terry Aguilar of the Pueblo of San Ildefonso, who was in the audience, testify about ongoing issues. Governor Aguilar said that educating members of the legislature, judges and state and tribal officials on the subject of American Indian law is crucial for the future and for all entities to coexist. He further stated that judges at all levels have to understand the law in order to uphold it and to achieve the ultimate goal of public safety. Education reform is essential for the safety of police officers and should be the main concern.

Representative Jeff requested a memorandum of understanding among the various tribal governments in the state regarding the implication of the legal passage of these precedents. Her main concern was that because tribal governments are independent and sovereign entities, each would have its own views and opinions on this very controversial issue.

**Tuesday, July 16**

**Invocation, Welcome and Status Update — Pueblo of Santa Ana**

Representative Jeff reconvened the meeting, welcomed the committee and members of the audience and asked everyone to introduce themselves. Robert Ortiz, tribal planner, Pueblo of Santa Ana, delivered an invocation.

**Gaining Recognition as a Tribe or Pueblo: Process and Challenges**

Joel Davis, lobbyist, Fort Sill Apache Tribe, delivered a presentation on behalf of the Fort Sill Apache Tribe about Native American tribes gaining federal recognition. Although the Fort Sill Apache Tribe is primarily situated within Oklahoma, the tribe does have reservation land within New Mexico and Arizona. The issue is that the tribe was not invited to the annual State-Tribal Summit hosted by Governor Martinez.

After Mr. Davis's presentation, many committees members had questions in regard to the state's role in relation to the Fort Sill Apache Tribe. Mr. Davis urged state legislators to recognize the tribe as a tribal entity and to formally invite tribal members to the annual State-Tribal Summit.

A motion was introduced by Representative Powdrell-Culbert and seconded by Senator Martinez to submit a letter of recommendation to the executive branch to formally invite the Fort Sill Apache Tribe to the annual State-Tribal Summit.

Representative Rodella objected on the grounds that the letter of recommendation to the executive was in violation of the "separation of powers clause" of the Constitution of New Mexico. The motion for the letter of recommendation was eventually withdrawn.

**Update on the 2013 State-Tribal Summit**

Duane Duffy, deputy secretary of Indian affairs, and Autumn Monteau, general counsel, Indian Affairs Department (IAD), presented an update on the 2013 State-Tribal Summit. The priorities of the summit included the following: Indian education and health; water rights and natural resources; and infrastructure and economic development. The presentation went into great detail about the governor's accomplishments and commitments in regard to the summit's priority areas.

After the presentation, committee members stated that they were impressed with the accomplishments thus far and that they were anxious to see what would become of the governor's "very ambitious agenda". The committee requested that tribal leaders in the audience present their views and opinions. Overall, the message from the tribal leaders was unanimous: although the summit was very promising and ambitious, there had been no funding attached to any of the initiatives of the IAD. Tribal leaders viewed it as a formality as opposed to a reality and requested that the next summit be extended to a full-day session instead of a half-day session. They also expressed frustration over the lack of funding for any of these initiatives, saying that

they were tired of "broken promises" made to them by the state. As one of the committee members said, "Commitments without cash is counterfeit."

The committee asked its minority party members to contact the Office of the Governor and urge Governor Martinez to meet with tribal leaders across the state on a one-on-one basis.

### **The Process for Requesting Early Voting Sites in Indian Country and Involving Native American Youth as Poll Workers**

Secretary of State Dianna J. Duran, accompanied by Bobbi Shearer, director of the Bureau of Elections, Office of the Secretary of State (SOS), discussed early voting and involving Native American youths as poll workers within Indian Country for the 2014 election year. There was an update on voting statutes, including: Section 1-2-7 NMSA 1978, qualification of precinct board members, presiding judges and minors; Section 1-4-25 NMSA 1978, cancellation of registration and determination of death; and Section 1-6-5.8 NMSA 1978, early voting and Native American early voting locations. Secretary Duran stated that a Native American liaison acting on behalf of the SOS would be traveling to and from Indian pueblos, tribes and nations to assist them through the election process. Due to budget constraints, the SOS can employ only one Native American liaison, Martin Aguilar.

Representative Madalena introduced a motion to ask the SOS to allow Mr. Aguilar to travel to more remote areas of the state where various Indian pueblos, tribes and nations are located to assist them during the election process. Representative Alcon seconded the motion, and it passed with an objection by Representative Baldonado.

### **Wednesday, July 17**

Senator Pinto reconvened the meeting, welcomed the committee and members of the audience and asked everyone to introduce themselves. Sammy Garcia, lieutenant governor, Pueblo of Santo Domingo, delivered an invocation.

### **Outreach and Services for Native American Veterans**

Timothy L. Hale, secretary of veterans' services, delivered a presentation on outreach and services for Native American veterans. Secretary Hale emphasized that bringing programs, services and benefits to veterans is crucial for "serving those who served". Some of the main areas of concern are health care, employment opportunities and burial services.

Members of the committee asked Secretary Hale if his department is responsible for providing special services for female veterans, more specifically Native American women who have served in the military. Issues raised included:

- The number of female military veterans will increase by an estimated 35%.
- The federal Department of Veterans Affairs is constructing women's clinics designed to accommodate female veterans' needs.

- Many female veterans are homeless and have children.
- The Henderson House is a nonprofit organization that constructs residential units for female veterans and their children. It is a leading care provider to them.
- Homelessness is a serious problem facing the veteran community, so conferences are scheduled to confront these issues, and organizations like the Henderson House provide real solutions to this very serious problem.

Albino Calebaza, a Native American military veteran, asked for legislation to provide adequate health care for Native American veterans and their families. In addition to health care coverage, a liaison is needed to facilitate any programs, services or benefits that may emerge as a result of the legislation. One of the main issues facing the Native American veteran community is transportation. In many cases, veterans are unable to redeem services and benefits because they cannot transport themselves to the locations where they can receive the services.

Secretary Hale and committee members acknowledged all of the issues facing Native American veterans. Secretary Hale said that a very important issue facing that community is receiving proper burial rights. Three national cemeteries have been established, and the Office of the Governor has endorsed an initiative to construct state-sponsored veteran cemeteries in more rural and remote areas across the state.

#### **Santo Domingo Behavioral Health (SDBH) Veteran's Services**

Joe Rosetta presented an update of SDBH Veteran's Services. Housing is the primary benefit currently being provided for 300 people on the reservation. Other issues include guidance and counseling for substance abuse and mental illness.

Harley Coriz, director of the Santo Domingo Senior Center, presented a status update. The state has met the transportation services requirement, but employment training is a huge challenge. Education and behavioral health care are other initiatives that are struggling because of inadequate funding.

#### **Welcome and Status Update — Pueblo of Santo Domingo**

Governor Felix Tenorio, Jr., presented a status update on the Pueblo of Santo Domingo. He opened his presentation with a special thanks and welcome to all in attendance. Some ongoing and completed projects at the pueblo include a health clinic, a public safety complex, trading posts, roads and infrastructure and an underground irrigation system. In regard to natural resources, planting of natural grasses and environmental development are currently ongoing, as is an initiative to produce healthier livestock.

After the governor's update, Eric F. Chavez, a former governor of the pueblo and current tribal council member, was also recognized. He stated that many of the pueblo's achievements are accomplished internally through the tribal government. However, a special thanks was owed to the state government for its partnership in making all of these programs and projects available.



The health facility was constructed with the intention of serving all people who may need it, not just tribal members.

### **Access to Health Care at the Pueblo of Santo Domingo**

Mr. Anthony Yepa, health director of the Kewa Pueblo Health Clinic, delivered a presentation informing the committee that nearly 70% of Santo Domingo tribal members will be eligible for medical coverage through either Centennial Care or Medicaid expansion. New state-of-the-art health care facilities are either under construction or already completed. These new health care facilities include a dental clinic, a behavioral health clinic, a dialysis unit, an optometry unit and a pharmacy. Although these projects are helping the pueblo move toward progressive health care reform, Mr. Yepa informed the committee that these facilities are too small and need to be expanded. Members of the committee asked Mr. Yepa if tribes would be mandated to enroll in "Obamacare". Mr. Yepa informed the committee that since tribal members are protected by federal law, there is no mandate for them to enroll.

### **Tribal Infrastructure Project Fund at the Pueblo of Santo Domingo**

Kenny Pin, planning director, Pueblo of Santa Domingo, presented information about ongoing construction and renovation projects at the pueblo.

The most recent Tribal Infrastructure Project Fund (TIPF) award to the pueblo was for a water and sewer treatment facility in the amount of \$300,000. In addition, there is the first phase of the Cedar Tree subdivision, a residential unit consisting of 10 homes. The Kewa Pueblo Safety Complex was constructed through capital outlay allocations, in addition to the Head Start Complex. A \$1 million water tank project used TIPF money to replace the pueblo's existing water tanks, which can only retain two-thirds of capacity without leaking. The final portion of Mr. Pin's presentation related to the community master plan and how the pueblo is going to resolve its social issues. Because the Pueblo of Santo Domingo is a non-gaming tribe, it has to find alternative sources of funding (i.e., from capital outlay funding and the TIPF). Photographs were also presented, showing the devastation to the pueblo from a fire in 2001.

### **Adjournment and Tour**

Following adjournment of the meeting at 4:00 p.m., committee members took a tour of the Santo Domingo Early Childhood Center, the Santo Domingo Trading Post and the Kewa Pueblo Health Clinic.

**MINUTES  
of the  
THIRD MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**August 19-20, 2013  
Ohkay Owingeh  
Pueblo of Picuris**

The third meeting of the Indian Affairs Committee (IAC) was called to order at 10:04 a.m. by Senator John Pinto, co-chair, on August 19, 2013 at Ohkay Owingeh Casino Resort Hotel in Ohkay Owingeh.

**Present**

Rep. Sandra D. Jeff, Co-Chair  
Sen. John Pinto, Co-Chair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Sharon Clahchischilliage  
Rep. James Roger Madalena (8/19)  
Sen. Richard C. Martinez  
Rep. Jane E. Powdrell-Culbert (8/19)  
Sen. Nancy Rodriguez  
Sen. Benny Shendo, Jr. (8/19)  
Sen. William P. Soules (8/19)

**Advisory Members**

Rep. Ernest H. Chavez  
Rep. Debbie A. Rodella  
Rep. Nick L. Salazar (8/19)

**Absent**

Rep. Patricia A. Lundstrom  
Sen. Cliff R. Pirtle  
Sen. John C. Ryan

Sen. Carlos R. Cisneros  
Rep. Zachary J. Cook  
Sen. Stuart Ingle  
Sen. Daniel A. Ivey-Soto  
Rep. Georgene Louis  
Rep. Antonio "Moe" Maestas  
Rep. Patricia Roybal Caballero  
Sen. Clemente Sanchez

(Attendance dates are noted for those members not present for the entire meeting.)

**Staff**

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)  
Monica Ewing, Staff Attorney, LCS  
Alexandria Tapia, Research Assistant, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Copies of all handouts are in the meeting file.

**Monday, August 19****Call to Order**

Senator Pinto welcomed everyone to the IAC meeting and passed the gavel over to Representative Salazar to chair the morning session of the meeting. Members of the committee and staff introduced themselves.

**Invocation and Welcome**

Governor Marcelino Aguino, Ohkay Owingeh, provided an opening prayer and welcomed the committee to the meeting. He introduced his tribal council and other members of the tribe present in the audience. Governor Aguino provided the committee with a brief overview of the community, adding that Ohkay Owingeh is seeking wellness and educational opportunities for the area.

**Indian Rights of Way in the Jemez Mountain Electrical Cooperative (JMEC) Service Area**

Governor Aguino and Germaine R. Chappelle, attorney, Gallagher and Kennedy, continued with a more detailed presentation of Ohkay Owingeh and an update on the JMEC service area issue. Ms. Chappelle told the committee that in the Public Regulation Commission's (PRC's) recent order denying the Pueblo of San Ildefonso's challenge to the methodology at issue, the PRC found that the methodology is fair because it attributes "costs to those customers or classes that cause them to be incurred and benefit from them". Ohkay Owingeh did not present an argument or otherwise participate in the proceedings pertaining to the Pueblo of San Ildefonso's challenge of the methodology as it might be applied to the Pueblo of San Ildefonso or other pueblos. As Ohkay Owingeh maintained throughout its PRC proceeding, it had no authority or intent to bind other pueblos to a particular course of action or methodology. Ohkay Owingeh also sent out two separate notices of its own, met with pueblos interested in meeting and offered resources and knowledge on what Ohkay Owingeh learned from its experience working with the PRC.

Ms. Chappelle outlined some of the complex issues, including federal law and Indian sovereignty, PRC jurisdiction, utility principles, the PRC and the Supreme Court of New Mexico precedent, municipal franchises and balancing interests. Ms. Chappelle provided a historical overview and sovereignty perspective for the region and Ohkay Owingeh. (Please see handout for more information regarding this presentation.) An explanation of how cooperatives differ from electric utilities was provided.

Ben Lujan, project director, Ohkay Owingeh, highlighted some of the pueblo's contributions to the community at large. Ohkay Owingeh provides services to more than 6,700 people living within the exterior boundaries of Ohkay Owingeh; of these, approximately 16% of the residents are pueblo members. Funds generated from the right of way are deposited into Ohkay Owingeh's general fund. A portion of the general fund is used to fund governmental services, including:

- economic development providing more than 400 jobs, of which 75% are provided to non-pueblo members within the Espanola Valley area health and wellness services and facilities;
- irrigation, water and wastewater infrastructure;
- solid waste services;
- wellness center and senior center programs;
- a public library and educational and professional development programs;
- summer programs, after-school services and Head Start, of which more than half of the services are provided to non-pueblo members' families;
- flood protection;
- transportation infrastructure and free shuttle services; and
- public safety, including responding to calls from pueblo members and non-pueblo members alike.

In addition, the presenters explained that Ohkay Owingeh negotiated a right-of-way agreement with the JMEC in which Ohkay Owingeh agreed to consolidate all of its rights of way for JMEC facilities for a term of 25 years. To minimize the impact on consumers, Ohkay Owingeh agreed to spread payment for the rights of way over the 25-year period. In return, the JMEC agreed to pay Ohkay Owingeh an average of \$450,000 annually for the rights of way for 25 years for transmission, distribution and substation rights of way used by the JMEC within Ohkay Owingeh's boundaries. As a result of settlement discussions, a stipulation was negotiated that allocated the rights-of-way costs attributed to transmission and other facilities benefiting the entire system to all ratepayers; rights-of-way costs attributed to distribution facilities benefiting local customers within Ohkay Owingeh's boundaries would be paid by those local customers.

Joe Garcia, council member and former governor of Ohkay Owingeh, said that there is a special relationship between the tribes and the state but that there is room for improvement. The tribes have not been a big player in shaping energy policy, but they need to be. Mr. Garcia explained that there is a big difference between a transformation line and a distribution line — transformation lines are the large structures that carry high voltage and distribution lines are the smaller poles. Ohkay Owingeh has large transmission lines, which are necessary to get energy to small communities.

Members of the committee discussed the PRC's January 2012 rate increase, which resulted in an agreement to balance transmission costs. Currently, other agreements are being negotiated with the JMEC, including "rate 19", a method not supported by Espanola. Refusal to

comply with payments would result in a breach of a right of way, such as in the case with the Jicarilla Apache Nation.

A member of the committee inquired about Public Service Company of New Mexico's (PNM's) involvement with the Navajo Nation. Cathy Newby, tribal relations manager for PNM, responded that PNM is up to date with its issues. Of the 15 tribes that PNM works with, eight are customers. Five years ago, PNM established a mutual agreement with the Navajo Nation regarding 23 lines. Ms. Newby stressed the importance of working together beyond rights of way. PNM is currently looking at two different plans: 1) a federal plan involving technology costing upwards of \$1 billion; or 2) a selective non-catalytic reduction technology state plan, at \$350 million.

A member of the committee added that if a tribe is affected on any level, an agency is required to consult with that tribe's environmental protection agency. Partnerships are critical in these instances.

*Senator Martinez chaired the afternoon portion of the IAC meeting.*

### **Ohkay Owingeh Water Rights**

Larry Phillips, Jr., co-chair, Ohkay Owingeh Water and Natural Resources Commission and general counsel, provided a summary of two recent federal court cases involving Ohkay Owingeh. The *Aragon* settlement involves rights to the Rio Chama and the *Aamodt* settlement involves rights to the Rio Truchas and the Rio Santa Cruz. The *Aragon* and *Aamodt* cases have both been in litigation for a long time and have been very costly. The state has been at the forefront of settling Indian water rights cases.

In 2011, Ohkay Owingeh asked the United States secretary of the interior to appoint a negotiating team in an attempt to get those cases resolved. The secretary of the interior said that the state and the New Mexico Acequia Association objected to the appointment of such a team, resulting in the denial of the request. Lee Bergen, attorney, Bergen Law Offices, LLC explained that federal negotiating teams come with both money and expertise. He encouraged members of the committee and the Office of the State Engineer to help resolve some of these issues, adding that with support, these cases could be sorted out in the next five to seven years.

A motion was proposed by Representative Jeff for a letter to be sent to Governor Susana Martinez and the Office of the State Engineer in support of the appointment of a federal negotiating team to assist in negotiating a settlement of the water rights. After a long discussion by the committee, it was determined that the letter would be contingent upon more information and that Mr. Bergen is to work with LCS staff to draft the letter for the next IAC meeting for endorsement.

### **Ohkay Owingeh Status Update and Infrastructure Needs**

Mr. Lujan addressed the committee regarding some of the infrastructure needs of the pueblo. Ohkay Owingeh suffers from a lack of resources, with an unemployment rate of 14.2% and approximately 11.7% of all families in the community living under the federal poverty level. Recently, the tribal administration identified 10 projects that are critical for the community. (Please see the handout for details on the projects, included estimated completion costs.) They include:

1. water line improvements;
2. a wastewater treatment facility;
3. the Ohkay Owingeh Community School;
4. housing infrastructure development;
5. dry utilities (solar);
6. the transportation department — heavy equipment;
7. acequia improvements;
8. the Ohkay Owingeh Fire Department;
9. Ohkay Owingeh Boys' and Girls' Club renovation; and
10. an outdoor recreation facility.

Mr. Garcia discussed health care, education and economic development needs. Mr. Garcia emphasized the need to improve the services available for tribal members and expand early childhood development programs.

#### *Motion 1*

After some discussion from the committee regarding funding for tribal schools, Representative Rodella made a motion for a letter to be sent to the Espanola Public School District, copying in Representative Mimi Stewart, regarding the lack of impact aid money and Johnson-O'Malley funds. Representative Baldonado seconded the motion, and it passed without opposition.

Members of the committee asked questions regarding relations between Ohkay Owingeh and several state agencies, including the Indian Affairs Department (IAD), the Tourism Department and the Department of Health. A member asked how the tribe has been affected by the recent changes in health care and behavioral health services. Patricia Y. Archuleta, director of education, Ohkay Owingeh, explained that several children have had their services discontinued. Another member of the committee suggested that Ohkay Owingeh go before the interim Legislative Health and Human Services Committee to address this issue.

### **Adult Day Care Center**

Norman Martinez, director, Pueblo of Santa Clara Regional Adult Day Care Center (SCRADCC), discussed the SCRADCC's status. The 10,800-square-foot facility provides a range of services for the eight northern pueblos. The center's services are focused primarily on older adults who, because of physical, emotional or mental impairment, require assistance in a supervised environment to prevent premature institutionalization. Mr. Martinez outlined the

objectives for the center, along with goals for its target population. Currently, the SCRADCC is operating at a budget of \$68,000, with its optimal budget being \$479,000.

#### *Motion 2*

After some discussion by the committee, Senator Martinez made a motion that a letter be sent to Secretary of Aging and Long-Term Services Gino Rinaldi, copying in to Governor Martinez, requesting the Aging and Long-Term Services Department to include \$428,000 in its budget request next year to support the SCRADCC. The motion was seconded by Representative Jeff and passed without opposition.

#### **Collaborating to Fight Forest Fires and Mitigate the Harm That Fires Cause**

J. Michael Chavarria, forestry director, Pueblo of Santa Clara, addressed the IAC regarding the flooding devastation that the area has experienced following the recent Las Conchas fire. Mr. Chavarria provided a presentation that illustrated the after-effects an area suffers following a large forest fire. Without ground vegetation and a tree canopy, the burned forest is subject to severe flooding when the monsoons begin. With flash flooding, ponds are frequently filled with sediment and debris, and the integrity of any infrastructure is compromised, rendering it unusable.

Regis Chavarria, tribal sheriff, Pueblo of Santa Clara, requested the IAC's support in requesting an extension of federal American Recovery and Reinvestment Act of 2009 (ARRA) funds. For several years now, the pueblo has received ARRA funds through the Energy, Minerals and Natural Resources Department (EMNRD). Due to a series of delays, largely because of unforeseen fires and flooding, and amendments to the scope of work, the pueblo has not been able to complete the ARRA projects. The pueblo has been forced to divert labor, equipment and resources to address the devastation caused by the Las Conchas fire in 2011 and the subsequent two years of flooding. The extension request would have to be submitted by Governor Martinez to the United States Forest Service Region 3 Office in Albuquerque because the state is the primary grantee of this grant and the Pueblo of Santa Clara is considered a sub-grantee. The pueblo is seeking an extension through December 31, 2014.

#### *Motion 3*

Representative Powdrell-Culbert made a motion for a letter to be drafted and sent to Governor Martinez's office for an extension of the ARRA grant and to request that she meet with Pueblo of Santa Clara representatives to collaborate in addressing the fallout from the forest fires and subsequent flooding. Copies of the letter should also be sent to the cabinet secretaries of the EMNRD, the IAD and the Homeland Security and Emergency Management Department. Seconded by Representative Jeff, the motion passed without opposition.

A member of the committee stressed the urgency in requesting assistance from Governor Martinez and asked Secretary of Indian Affairs Arthur P. Allison to speak with the governor directly. The member recalled seeing the devastation the area has suffered during a previous committee tour and highlighted the need for continual support for restoration.

**Recess**

The meeting recessed at 3:45 p.m. Some members of the committee received a tour of Ohkay Owingeh.

**Tuesday, August 20****Reconvene**

Senator Pinto reconvened the meeting at 10:15 a.m., and Senator Martinez was asked to chair the second day of the meeting. Members of the committee and staff introduced themselves. Senator Martinez then shared an article with the committee and those present in the audience honoring Senator Pinto for his service as a Navajo code talker during World War II.

**Invocation, Welcome and Status Update**

Richard Mermejo, governor, Pueblo of Picuris, asked the Picuris war chief to provide an invocation, and he welcomed the committee to the Pueblo of Picuris and introduced several members of the pueblo. The governor provided a brief history of the pueblo. The Pueblo of Picuris is the smallest of the 19 pueblos in the state and has a population of 326 members. The pueblo currently has an unemployment rate of 9.7%, with approximately 39.5% of its residents living in poverty.

The Picuris Tribal Council has identified nine critical infrastructure and capital projects to sustain the well-being of the Picuris members. Federal funding is based on a determination of a tribe's population, and thus, the Pueblo of Picuris receives little to no funding to assist with capital projects or human services programs. Details of these projects can be found in the handouts. The projects include:

1. a Pueblo of Picuris visitor center and museum;
2. Pueblo of Picuris administration building renovations;
3. Pueblo of Picuris gym renovations;
4. a fire station;
5. the Hidden Valley convenience store;
6. electrical upgrades;
7. a solid waste facility;
8. water line replacement; and
9. dry utilities.

Governor Mermejo also mentioned several past projects that have been successfully completed. The pueblo believes that these projects will not only improve the community's overall health and safety, but also create jobs for residents.

Members of the committee asked several questions about specific projects. A member suggested that the pueblo work with the IAD to help it with capital outlay requests. Another member added that the Tribal Infrastructure Fund (TIF) was established specifically to help tribes with building projects. Pamela Mahooty, Sutter Group, explained that the pueblo did apply for



funds the previous year but fell under the threshold needed to qualify. The IAC and Secretary Allison discussed the need for changes to the criteria required for TIF qualification and working with the U.S. congressional delegation to acquire community block grants from the federal government.

Governor Mermejo continued by talking about potential cross-commissioning of Bureau of Indian Affairs (BIA) police officers with the New Mexico State Police. The Pueblo of Picuris has seen an increase in crimes that are not prosecuted, including burglary, drug trafficking, motor vehicle violations and DWIs. The pueblo does not have a tribal police force, so, when necessary, law enforcement officers must come from Pojoaque or Espanola. The pueblo relies on a neighborhood watch program, and the sheriff is not permitted to carry a firearm or exercise arresting authority.

The New Mexico State Police has had a cross-commissioning agreement with the BIA since 1979, but the number of hours required for training has made it difficult to add more officers to the northern pueblos' area. Governor Mermejo suggested legislation to reduce the number of required training hours and legislation to accept the BIA standards of training, with any additional New Mexico standards offered online.

Members of the committee discussed this issue, noting that because the Pueblo of Picuris does not have a police department, it may be difficult to establish cross-commissioning. A member noted that other areas have issued memoranda of understanding among the county, the state and the nation, tribe or pueblo to address public safety.

#### *Motion 4*

Representative Jeff made a motion for a letter to be sent on behalf of the committee to the BIA, asking it to make more officers available to patrol the Pueblo of Picuris area, highlighting the IAC's concern that law enforcement is minimal in the area while crime, including domestic violence and drug trafficking, is significant. The motion was seconded by Senator Rodriguez and passed without opposition.

#### *Motion 5*

Representative Jeff made a motion for a letter to be sent on behalf of the committee to the new director of the New Mexico Law Enforcement Academy requesting that the training hours of officers be adjusted to assist in the cross-commissioning with the BIA and New Mexico State Police. The motion was seconded by Senator Pinto and passed without opposition.

#### *Motion 6*

Upon a motion made by Representative Jeff, seconded by Representative Baldonado, the committee voted without opposition to approve the minutes of the July IAC meeting.

### **Update on the New Mexico Health Insurance Exchange (NMHIX) — Native Perspective**

Dr. J.R. Damron, chair, board of directors, NMHIX, provided a brief summary on the origins and evolution of the federal Patient Protection and Affordable Care Act (PPACA), from the state models to a national mandate. Dr. Damron explained that a defined benefit plan outlines certain benefits for consumers, and a contribution plan requires employers to pay a specified percentage for the employee's plan. The PPACA is a defined benefit plan. An exchange is meant to serve as a central clearinghouse for medical services and products and to help with enrollment. With the passage of the PPACA, states were given the choice to have either a state-based model or a federal-based model of health insurance. Due to New Mexico's diverse culture, Governor Martinez chose to include New Mexico among 17 other states and the District of Columbia, which have decided to set up a state-based program.

In May 2013, members were appointed to the NMHIX board to oversee the implementation of the exchange. The board consists of six members appointed by the legislature, six members appointed by the governor and the superintendent of insurance. Dr. Damron briefed the committee on the current status of the Native American liaison to the NMHIX. The goal is to establish a work group that is representative of the tribes and pueblos around the state to work with the IAD and through the liaison, once that individual is identified.

Members of the committee asked if Native Americans are required to enroll in the exchange. Dr. Damron replied that Native Americans have several options in terms of health insurance. Native Americans are not mandated to have health insurance, but if they choose to do so, they can stay with the Indian Health Service, enroll in Medicaid if they are eligible due to their income, obtain private insurance or enroll in the exchange. Native Americans are not held to the six-month enrollment period and can join at any time. Dr. Damron estimates that 26,000 Native Americans will enroll in the NMHIX.

Members of the audience were invited to ask questions of the committee and the presenters regarding specific situations. Senator Shendo, Secretary Allison and Dr. Damron obliged by answering their questions.

Dr. Damron concluded his presentation, by saying that the NMHIX board is working diligently and tirelessly to make this program happen for New Mexico. There are 450,000 New Mexicans currently uninsured, and the goal is to insure as many of them as possible. The members of the board are using their talents and expertise to accomplish a huge undertaking in a short amount of time. Dr. Damron recognized that the NMHIX is important to the people of New Mexico as well as the government leaders who want this for the state.

### **Cancellation of Presentations**

Due to the unexpected passing of Representative Stephen P. Easley, the update from University of New Mexico School of Architecture's Indigenous and Planning Institute and the Northern Pueblos Institute presentations were postponed to allow members to attend Representative Easley's memorial service in Santa Fe.

**Adjournment**

There being no further business before the committee, the third meeting of the IAC adjourned at 2:00 p.m.

**MINUTES  
for the  
FOURTH MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**September 24-27, 2013  
Nenahnezad  
Church Rock  
Pueblo of Zuni**

The fourth meeting of the Indian Affairs Committee (IAC) was called to order at 10:11 a.m. by Senator John Pinto, co-chair, on September 24, 2013 at the Nenahnezad Chapter House in Nenahnezad.

**Present**

Rep. Sandra D. Jeff, Co-Chair (9/24, 9/25, 9/26)  
Sen. John Pinto, Co-Chair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Sharon Clahchischilliage  
Rep. Patricia A. Lundstrom (9/25, 9/26, 9/27)  
Rep. James Roger Madalena  
Sen. Richard C. Martinez (9/25, 9/26, 9/27)  
Rep. Jane E. Powdrell-Culbert  
Sen. Nancy Rodriguez (9/25, 9/26, 9/27)  
Sen. Benny Shendo, Jr. (9/24, 9/26, 9/27)

**Advisory Members**

Rep. Ernest H. Chavez (9/25, 9/26, 9/27)  
Rep. Georgene Louis (9/25, 9/26)  
Rep. Debbie A. Rodella  
Sen. Clemente Sanchez (9/25, 9/26, 9/27)

**Absent**

Sen. Cliff R. Pirtle  
Sen. John C. Ryan  
Sen. William P. Soules

Sen. Carlos R. Cisneros  
Rep. Zachary J. Cook  
Sen. Stuart Ingle  
Sen. Daniel A. Ivey-Soto  
Rep. Antonio "Moe" Maestas  
Rep. Patricia Roybal Caballero  
Rep. Nick Salazar

**Guest Legislator**

Sen. Cisco McSorley (9/24)

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)  
Monica Ewing, Staff Attorney, LCS  
Alexandria Tapia, Research Assistant, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Copies of all handouts are in the meeting file.

**Tuesday, September 24 — Nenahnezad****Call to Order**

Senator Pinto welcomed everyone to the fourth IAC meeting. Members of the committee, staff and members of the audience introduced themselves. Due to a lack of quorum, the meeting started as a subcommittee in Nenahnezad. A quorum was reached later in the day.

**Invocation, Welcome and Status Update**

Rick Nez, president, San Juan Chapter, provided an invocation. Norman C. Begaye, president, Nenahnezad Chapter, welcomed the committee and provided a brief update.

**Issues Surrounding School Bus Routes**

Frank Chiapetti, superintendent, Gallup-McKinley County School District (GMCSD), discussed issues with school bus routes. He explained that this issue is not unique, noting its impact on students and stressing that safety is the primary concern.

A committee member asked about the status of the memorandum of understanding (MOU) between the GMCSD and the Central Consolidated School District (CCSD). Don Levinski, superintendent, CCSD, said that no MOU had been reached and that the school districts currently have attorneys working on it. The member stressed that this is in the best interest of the Navajo children.

Pandora Mike, assistant superintendent, CCSD, provided an update on the CCSD's academic progress. Over 90 percent of students at the CCSD are Native American, and those students have outscored the state average for testing and advance placement programs in the 2013 school year. The CCSD offers a variety of programs, and all principals in the CCSD have been trained on the new statewide teacher procedures. Ms. Mike offered members a tour of the new elementary school that the district is building.

Responding to a question, Ms. Mike explained that the school grading system has various criteria; a school can be performing well, but the school needs to show growth. She added that the CCSD has made substantial improvements, with schools previously deemed "failing" earning

designation as "A" schools. The district is currently focusing on helping high school students not yet proficient in English with college readiness.

A member noted the importance of cultural heritage to Native Americans, native language preservation and fostering a love of learning. Superintendent Levinski agreed that education should be fun and that it is necessary to get students involved with hands-on learning. He added that it is difficult finding teachers with the skills to teach reading and writing the Navajo language.

Presenters discussed some of the challenges that they are facing, including the new grading system and federal cuts to aid money. Ms. Mike highlighted the CCSD's top two priorities: making students college- and career-ready and having students graduate with a strong self-identity. She hopes to have cultural and traditional practices reinforced and for learning to be more meaningful for students.

#### **Native American Voters Alliance (NAVA)**

Keegan King, representative, NAVA, described his organization and issues from the 2013 legislative session. The NAVA is particularly concerned with suicide prevention, domestic violence, diabetes and student retention in Native American communities. As a nonpartisan organization, the NAVA continues to support the proposed legislation from last session and is requesting endorsement of that legislation from the IAC for the 2014 session.

Members of the committee asked Mr. King about bills from the 2013 session. Mr. King emphasized that the NAVA opposes legislation that is excessively punitive to students and harmful to bilingual students; he contends that bilingual students may lag behind classmates for a while, but they tend to catch up and even surpass others in their class.

#### **Funding for New Dormitory Construction**

Johnny Anderson, dormitory manager, Shiprock Associated Schools, Inc. (SASI), illustrated the issues that the SASI is facing and included photographs of the dormitory there.

Frank Todacheeny, executive director, SASI, said the dormitory was originally built in 1952 and is currently in poor condition. The dormitory currently houses students who are enrolled at one of the three local high schools in Shiprock, particularly those whose families live too far to commute. The SASI's dormitory also houses special needs students and students with behavioral issues, while providing them with supporting staff and counselors. The dormitory houses approximately 100 students each school year.

The SASI caters to a select population of students not within bus routes, and if members of the legislature and Governor Susana Martinez saw the condition of the dormitory, the need for a new facility would be evident.

Presenters discussed the three phases for the construction of the new dormitories and the proposal for funding. According to Mr. Anderson, the amount requested, \$20 million, would cover the building of one facility. The SASI has a site ready to build on and hopes to have students in a central building for safety reasons.

Discussion about the complexity of getting funding from the state for federal Bureau of Indian Education schools ensued. Due to issues with sovereignty, any funds allocated from the state would have to go through the Navajo Nation. This is a constant issue in the region. With other localities, money goes directly to the receiving entity; however, in the case of the Navajo Nation, money often gets reverted back to the state because it sits for too long without being awarded to the requesting entity. Because this has been a recurring issue, the governor and the legislature have been hesitant to divert funds to organizations within the Navajo Nation.

A member of the IAC recommended two options: 1) work out an MOU between the SASI and the Navajo Nation to help funds from the state to be directly deposited to the school; or 2) work with the council delegates for the Navajo Nation to draft legislation to allow funding to go directly to those entities to which it was appropriated by the state. Other IAC members expressed support for these suggestions, adding that the Santa Fe Indian School was able to receive funding by establishing an MOU with the pueblos.

A member of the committee reaffirmed that the IAC does support the SASI in its pursuit and urged it to draft a proposal of the project for legislators from the area to sign in support.

#### **Update by the Navajo Transitional Energy Company (NTEC)**

Timothy McLaughlin, vice chair, management committee, NTEC, said the company's mission is transitioning the Navajo Nation into an era of cleaner energy through development, ownership and management of its energy resources. The NTEC is mandated to invest 10 percent of its profits into clean coal and renewable energy technology. Mr. McLaughlin named the seven members on the NTEC board and provided their credentials for the committee.

The NTEC is seeking to purchase the Four Corners Power Plant (FCPP) mine. By purchasing the mine, the NTEC will preserve 800 jobs at the mine and the FCPP. If the NTEC does not buy the mine, both the mine and the FCPP will likely close in 2016, eliminating the \$40 million per year the Navajo Nation receives in royalties and taxes. Goals of the NTEC include:

- 1) acquiring the mine;
- 2) hiring a chief executive officer to manage the mine;
- 3) ensuring that the Navajo Nation receives a share of income; and
- 4) employing members of the Navajo Nation.

A committee member asked why the FCPP mine is closing. Mr. McLaughlin said that the mine is currently run by BHP Billiton, but in the next few years, the company will be undergoing changes that would make it less profitable for coal. According to Mr. McLaughlin, the NTEC

was created by a council of representatives and the Navajo Nation for the purpose of acquiring and operating the mine in the best interests of the Navajo Nation's people, government and land. The NTEC is negotiating with BHP Billiton to operate the mine until the NTEC can transition into managing it; this approach is deemed to be best for the power supply and for the employees. Mr. McLaughlin said the two companies are far in the process, and it is likely the mine will be acquired by the end of the calendar year.

Some of the changes in federal Environmental Protection Agency (EPA) standards and how they will affect the FCPP and the Navajo Nation were discussed. Ben Shelly, president of the Navajo Nation, disclosed plans to research carbon dioxide emissions and environmental impact in the area. President Shelly added that he is looking for options that are best for the Navajo people in terms of jobs, but he is also cognizant of the implications to the environment. Arben Trujillo, manager, FCPP, and Colette Brown, resource planning development, BHP Billiton, voiced support for the project and the high-paying jobs that the industry produces. Members expressed concern over opposition to the mine.

### **San Juan Generating Station (SJGS) Update**

Ernie C'de Baca, vice president of governmental affairs, Public Service Company of New Mexico (PNM), provided some background on PNM and an update on the SJGS. Mr. C'de Baca briefed the committee on the new EPA standards, what the SJGS is doing to comply with those regulations and its agreement to reduce emissions and pollutants. Mr. C'de Baca outlined the goals for the SJGS, including:

- 1) minimizing costs to customers;
- 2) reducing pollution;
- 3) building a power plant;
- 4) preventing layoffs of employees;
- 5) providing job training; and
- 6) increasing economic development in the area.

Cathy Newby, tribal relations manager, PNM, discussed the PNM-Navajo Nation work force training initiative. The SJGS is a major employer in the northeastern portion of the Navajo Nation: approximately 88 of the 400 employees at the plant are Native Americans; and 230 of the San Juan Mine's 500 employees are Native Americans. Jobs created by the SJGS pay 2.7 times the average annual Navajo household income of \$20,000. Ms. Newby reported that PNM is committing \$1 million over five years to train Navajos for future job opportunities. PNM has developed program parameters and signed an MOU with Navajo Technical University and San Juan College.

### **Update on the Kinteel Residential Campus, Inc., Dorm Funding Request**

Marian John, Kinteel Residential Campus, Inc., requested funding from the legislature and support from the IAC for a new dormitory. Ms. John stated that Kinteel is seeking \$500,000 as part of a matching fund to build a new dormitory for students from rural areas.



**Recess**

The meeting recessed in Nenahnezad at 2:53 p.m.

**Wednesday, September 25 — Church Rock****Call to Order**

Senator Pinto reconvened the IAC meeting at 9:12 a.m. President Shelly provided an invocation for the committee. Members of the committee, staff and audience introduced themselves.

**Welcome and Status Update**

President Shelly and Johnnie Henry, Jr., president, Church Rock Chapter, welcomed the committee. President Shelly discussed a plan to make the Navajo Nation energy independent. Mr. Henry spoke about the senior center for which the chapter received funding for planning and design during the 2013 legislative session and said that the chapter will be requesting money for construction in 2014. Mr. Henry spoke of the need for economic development in the area, specifically a uranium project that would bring approximately \$35 million each year. Mr. Henry also voiced concern over educated youth returning from military service or college and being unable to find jobs in the area.

Members of the committee asked questions regarding the New Mexico Health Insurance Exchange and how federal sequestration has affected the Navajo Nation. The presenters explained that these are ongoing issues that they will continue to learn more about in the near future. President Shelly mentioned the ongoing work on the dam in Crownpoint and the need to address flood-prone areas. There was discussion among committee members and President Shelly regarding the school bus dispute between the GMCSD and the CCSD.

***Motion***

Representative Lundstrom moved for the committee to ask the Legislative Education Study Committee and its Transportation Subcommittee to consider legislation regarding the transportation boundary agreements. The motion was seconded by Representative Madalena. The motion was passed with the abstention of Representatives Alcon and Jeff.

**Native American Suicide Prevention Clearinghouse**

Sheri Lesansee, program manager, University of New Mexico (UNM) Center for Rural and Community Behavioral Health, Native American Behavioral Health Program, discussed the implementation of the statewide clearinghouse on suicide prevention. The clearinghouse was established legislatively in 2011 to create a statewide resource for tribal agencies and communities to access culturally appropriate information, technical assistance, training and support for prevention, intervention and post-intervention efforts to address suicide. Ms. Lesansee explained how the Native American Suicide Prevention Advisory Council will be governed and outlined its fiscal year (FY) 2013 tasks and goals for FY 2014.

Responding to a question regarding funding, Ms. Lesansee explained that the program received some outside funding, but the main source is a \$100,000 appropriation from the legislature.

Committee members were concerned about gambling addiction and its potential ties to suicide. As part of the gaming compacts, tribes are required to set aside one-fourth of one percent of the total net win to combat problem gaming. The committee discussed the possibility of those funds being used to fund suicide prevention efforts. A request was made to have representatives from the Gaming Control Board present on that issue at the next IAC meeting. Several members of the committee expressed support and commended Ms. Lesansee on her work.

### **The Computer Adaptive Test-Mental Health Suicide Prevention Solution**

Steve Trubow, medical engineer, Olympic Labs, gave a presentation on the Computerized Adaptive Testing for Mental Health (CAT-MH), which uses the Columbia-Suicide Severity Rating Scale to collect data and determine risk for suicide. The CAT-MH is unique because questions are asked based on the response of the previous question. The program is available anywhere and is anonymous. Mr. Trubow demonstrated the test for the committee.

Mr. Trubow provided general information on suicide data collection and the Health Home State Plan Option. Mr. Trubow contends that data on suicides are inaccurate due to the recording of "accidental death" in place of a designation of suicide, which he believes downplays the enormity of the problem. There is also a lack of data on the relationship between mental health and substance abuse. Mr. Trubow shared that one out of five people with bipolar disorder commits suicide and approximately 90 percent of people who commit suicide in New Mexico had symptoms of depression.

A committee member noted the importance of funding a telemedicine program at UNM for behavioral health.

In response to a question, Mr. Trubow explained that medical professionals can log into the CAT-MH program to examine the test results and information about the respondent's answering patterns. Members of the committee were concerned with the follow-up with respondents after they take the survey.

### **Indian Gaming Compact Negotiations**

A panel consisting of representatives from the Jicarilla Apache Nation, the Pueblo of Pojoaque, the Mescalero Apache Tribe and the Pueblo of Acoma, along with representatives from the Office of the Governor, addressed the committee regarding the status of the Indian Gaming Compact negotiations. Their comments are as follows.

### *Office of the Governor*

Jessica Hernandez, deputy chief of staff and general counsel, Office of the Governor, briefed the committee about the urgency of reaching compromise with the 2015 expiration date approaching quickly. Of the five tribes currently in negotiations, the Navajo Nation is the only one that has come to an agreement with the executive. That compact was voted on by the Committee on the Compacts during the 2013 legislative session but has yet to go before the legislature for a vote. Ms. Hernandez stressed the importance of reaching agreements by the end of the 2014 session. To be valid, a compact must pass a vote in both chambers of the legislature and then be approved by the United States Department of the Interior. Ms. Hernandez emphasized the Office of the Governor's commitment to negotiate in good faith and reiterated that it will accept the terms of the 2007 compact if any of the tribes run out of time. In these negotiations, the Office of the Governor has three goals:

1. to reach a fair and reasonable balance that takes into account the interests of both the state and the tribes;
2. consistency across all of the compacts; and
3. to include language that would reduce the likelihood of disagreements in the future.

In response to a question from the committee, Ms. Hernandez affirmed that the Navajo compact is unique to the Navajo Nation and is in no way a template for the other tribes. The Navajo compact does contain some principles and positions that are important to the other compacts, but it is not meant to set a standard. It was noted that Governor Martinez does support the Navajo compact. Members of the committee discussed the issue of "free play" and its role in the negotiations. For the benefit of the committee, Ms. Hernandez explained the concept of "free play" and the concerns surrounding it — the Office of the Governor views "free play" as a promotional and marketing tool.

### *Jicarilla Apache Nation*

Dion KILLSBACK, legal counsel, Jicarilla Apache Nation, provided written comments to the committee. In regard to the Navajo compact, Mr. KILLSBACK stated that the Jicarilla Apache Nation believes that it was negotiated in the haste of the last session, and the Jicarilla Apache Nation is carefully considering its own compact.

### *Pueblo of Pojoaque*

Macario Gutierrez, assistant to the governor, Pueblo of Pojoaque, provided written comments to the committee. When asked about the Navajo compact, Mr. Gutierrez indicated that the pueblo respects the sovereignty of the Navajo Nation.

### *Mescalero Apache Tribe*

Sandra Platero, president, Mescalero Apache Tribe, provided written comments to the committee. Gaming is the primary source of revenue for the tribe, and it remains in negotiations with the State of New Mexico. President Platero also indicated that the tribe does not object to the Navajo Nation moving forward.

### *Pueblo of Acoma*

Joe Tenorio, attorney, Pueblo of Acoma, provided the committee with a written statement and mentioned the pueblo's issues with "free play" and its calculation. Conroy Chino, lobbyist, Pueblo of Acoma, voiced some concern with the Navajo compact, adding that the pueblo hopes to negotiate as favorable a compact as the Navajo Nation did.

### **Indian Gaming Compact Negotiations — Navajo Nation**

President Shelly addressed the committee specifically on the Navajo Nation's compact agreement. President Shelly stressed the importance of renewing its compact and requested the support of the committee in approving its negotiated compact during the 2014 session. LoRenzo Bates, Navajo Nation Council delegate, and chair, Navajo Nation Gaming Task Force, provided the committee with a summary of the compact reached by the Navajo Nation, including a copy of the compact itself. The presentation covered the specifics of the compact, including revenue sharing, rate structure, number of facilities and "free play". It was emphasized by the presenters that this compact has been agreed upon by the Navajo Nation and does not have any impact on what the other tribes and pueblos decide to do. If the Navajo compact is approved, it will be valid until 2037.

In response to a question from a committee member, Karis Begaye, attorney, Navajo Nation Department of Justice, explained that under the new compact, the Navajo Nation will contribute one-half percent of total net win to programs for problem gambling. Under the new terms of the compact, the Navajo Nation will select the beneficiary program. A member of the committee requested the Navajo Nation to consider UNM's Center for Rural and Community Behavioral Health, Native American Behavioral Health Program as a potential service provider.

Members of the committee asked questions about the terms of the compact and the issues with "free play". Ms. Begaye informed the committee that the Navajo Nation had reached a settlement agreeing to pay the state \$500,000 for "free play" back pay. This was not the full amount owed but the result of the compromise.

Members of the committee again voiced concerns about the Navajo compact being set as a standard for the other tribes and pueblos. Ms. Hernandez reassured them that each tribe and pueblo is able to choose a template — the 2001, 2007 or Navajo compact — and the Office of the Governor will move forward from that point with negotiations. Recognizing the concerns of the committee, Ms. Hernandez stated that the tribes and pueblos do not appear to have those same concerns.

Another committee member said that because the Navajo Nation started gaming after other tribes, the Navajo Nation was, in fact, the tribe that had to follow a standard set by other tribes.

Due to a scheduling conflict, Senator Pinto requested LCS staff to see if the schedule would accommodate changing the dates of the final IAC meeting from December 2-3 to December 9-10.

### **Tour of the Gaming Facility**

The members of the committee were taken on a tour of the Fire Rock Casino gaming facility.

The committee recessed at 4:54 p.m.

### **Thursday, September 26 — Church Rock**

Senator Pinto reconvened the meeting at 9:10 a.m. Arthur P. Allison, secretary, Indian Affairs Department (IAD), provided an invocation for the committee. Members of the committee, staff and members of the audience introduced themselves.

### ***Zuni* Lawsuit/Impact Aid**

Sharon Ball, senior researcher, LCS, provided a broad overview of the *Zuni* lawsuit filed in state district court in 1998. In 1974, the New Mexico Legislature was one of the first in the nation to adopt a school financing system for operational expenses that provided funding for public education on an equalized formula rather than local property taxes. That financing system for operating expenses became a national model of equitable school finance and was based on a studied, deliberate effort to create an equitable system. The *Zuni* lawsuit is still in effect and the courts still have jurisdiction over the legislature's capital outlay. Ms. Ball laid out the time line for the *Zuni* lawsuit and offered to provide the committee with additional information upon request.

Bob Gorrell, director, Public School Facilities Authority (PSFA), stated that the PSFA has joined with state and local funding and has made significant progress. New Mexico is considered a model of success by other states. The funding is allocated to help school districts that cannot help themselves. However, funding has diminished through the years; being able to maintain a 35 percent threshold is increasingly difficult. Mr. Gorrell believes that the state needs to put more money into facilities, make better use of facilities (by reducing square footage) or increase school maintenance funding.

Superintendent Chiapetti discussed the issues with impact aid and the state equalization guarantee distribution formula. Impact aid is the federal funds that are meant to compensate school districts that, because non-taxable federally owned lands are within their districts, have a reduced tax base from which to fund educational programs and infrastructure. Impact aid is subject to federal sequestration; schools in some districts have had to deal with a "floating" budget as a result of impact aid payments being up to six months behind schedule. Superintendent Chiapetti discussed some of the unique costs confronting the GMCSD, including a lack of teacherages and high poverty rates. Superintendent Chiapetti concluded by highlighting that McKinley County brings in more funding for the state to spend on education statewide, and the GMCSD does not receive funding back in proportion.

Hayes A. Lewis, superintendent, Zuni Public School District, echoed the need for teacherages in the Zuni area and expressed support for the GMCSD's position.

IAC members asked questions regarding the funding formula, the percentage of impact aid that is taken by the state and the effects of sequestration. In response to a question about the payment schedule, Superintendent Chiapetti explained that the state pays 12 equal installments beginning July 1. Federal funding normally is received in January, but in 2013, it was not received until May 31; school was already over for the year. A member of the committee suggested that the Public Education Department (PED) could help bridge the funding gap from the delayed federal funding and the school districts could then reimburse the PED when the federal money is received.

The committee discussed a waiver to allow teacherages as an eligible use of public school capital outlay. Also discussed was establishing a new state equalization guarantee fund that allows for immediate distribution to school districts.

#### *Motion*

A motion was made by Representative Jeff, seconded by Senator Pinto, for an appropriation bill directed to the Eleventh Judicial District for the purpose of reviewing the *Zuni* lawsuit, since its last status conference was in 2006. The appropriation would be given to the agency conducting the review. In a discussion regarding the motion, Senator Rodriguez suggested that the language should read more broadly to include a review and potential recommendations. The motion passed with the amendment, and LCS staff will look into the best option for pursuing this issue.

#### *Motion*

A motion was made by Representative Lundstrom for House Bill 245 (2013), sponsored by Representative Alcon, to be brought back for IAC endorsement in December. The motion was seconded by Representative Alcon and passed unanimously.

#### *Motion*

Upon a motion by Representative Madalena, seconded by Representative Lundstrom, the committee voted unanimously to approve the minutes of the August IAC meeting.

### **GMCS D Board Introductions and Overview**

Superintendent Chiapetti introduced members of the GMCSD board and provided a brief overview of the district. Currently, all nine high schools in the district have the designation of "B" on the grading system. With 35 schools in the district, the GMCSD is confronted with a diverse student body. In an effort to address the issues of communities feeling that their concerns are not being heard, Superintendent Chiapetti explained that every school must attend the meetings in chapter houses, at least twice, to hear issues and address the needs of the communities. Superintendent Chiapetti believes that the GMCSD is getting a fresh start, with the opportunity to have great board members on the same page and with students as the focus.

Superintendent Chiapetti discussed the need for quality teachers in the district and the proper instructional supplies in the classrooms. He believes that education is one of the ways children can change the outcome of their lives.

In response to a question about the A-F grading system, Superintendent Chiapetti stated that the school district is just beginning to understand the system and to process the data. In regard to third grade retention, the GMCSB board has not yet reached a decision, but it recognizes that reading is a huge problem in schools. A member of the committee reminded Superintendent Chiapetti about the importance of having up-to-date audits to prevent allocated money from reverting to the general fund.

#### **Update on House Memorial 43 (2013): The Navajo Charter School**

Dr. Ferlin Clark, assistant secretary for Indian education, PED, addressed the committee regarding House Memorial 43 (2013) sponsored by Representatives Clahchischilliage and Lundstrom. The memorial was a request for the Indian Education Division of the PED and the IAD to study the feasibility of a bi-state charter school in the Red Lake Chapter of the Navajo Nation. The initial issue that needed to be addressed was to clarify whether it was legally possible for the state to establish a charter school within the sovereign lands of the Navajo Nation in New Mexico that would serve students from both New Mexico and Arizona. A work group was convened to meet three times during 2013; it was concluded that New Mexico's laws and statutes would allow for the establishment of such a charter school. The work group discussed the various issues related to the creation of a charter school, including feasibility, jurisdictional issues, funding and curriculum. Dr. Clark added that a more comprehensive report would be presented at the final meeting of the IAC in December.

Tim Benally, Department of Dine' Education, Navajo Nation, explained that the Navajo Nation sprawls across the borders of three states and the proposed charter school would overlap the state lines. According to Mr. Benally, 16,000 Navajo students apply for scholarships every year and the students who do not receive scholarships have no place to go for a quality education. The Navajo Nation supports the establishment of this type of charter school.

#### **Working Lunch: Teach for America**

Nate Morrison, executive director, Teach for America-New Mexico, gave an overview of the program and his experience in Shiprock. Mr. Morrison underscored the importance of cultural identity and pride among Native American youth. Teach for America and the Native American Community Academy jointly applied for Indian Education Act funds to support the recruitment and training of culturally responsive educators to work in Native American communities. This partnership is also in conjunction with the Growing Educators for Native American Communities program. The organizations are working together to build capacity by conducting joint training related to culturally responsive instruction and by sharing best practices related to indigenous education theory, recruitment, ongoing mentoring and retention.

Mr. Morrison answered questions about Teach for America and teacher retention. The federal Indian Education Act has helped Teach for America bring 145 teachers to New Mexico over the last four years. Teachers commit to teaching for a minimum of two years. Teach for America currently has around 170 alumni — people beyond the two-year minimum — working in New Mexico. Mr. Morrison believes it is important to create role models for students.

### **Uranium Development — Project Update**

Mr. Chino presented the remarks of Pueblo of Acoma Governor Gregg P. Shutiva. Mr. Chino highlighted several points related to uranium mining near Mount Taylor:

- The importance of Mount Taylor to Indian tribes in New Mexico cannot be overstated.
- The Pueblo of Acoma does not oppose mining or other development within the Mount Taylor Traditional Cultural Property (TCP); it recognizes that there can be economic uses of the TCP that have long-term benefits.
- The Pueblo of Acoma is aware of the health and environmental impacts of uranium mining.
- Until there is demonstrated proof that all existing contamination has actually been cleaned up through uranium abatement, the Pueblo of Acoma cannot ignore the contamination of past uranium mining and probability of contamination from future uranium mining.
- A major concern with uranium mining is the risk of ground water contamination and the impossibility of restoring natural ground water conditions after the completion of the leaching operations.
- The Pueblo of Acoma is concerned with the number of jobs that would be created for the actual members of the pueblo.
- There is concern with how much money will actually benefit communities for schools, hospitals and other needed infrastructure, and how much of the projected revenue and tax expenditures would actually stay in Cibola County.

### **Uranium Abatement**

Jaime Geronimo Vela, doctoral student, New Mexico State University (NMSU), Antonio Lara, professor of chemistry, NMSU, and a panel of other students presented their project on uranium abatement. The team has designed a water purification process that uses clay pellets to produce safe, potable water from any water source. Dr. Lara walked the committee through the process using both a presentation and real-life simulation. The process uses soil/clay because it is manageable and inexpensive, it will not leach, it is safe to transport, it is robust (temperature, redox, pH), final disposal is easy and vitrification provides added safety. Clay is also simple, cheap and universally available.

The team is seeking assistance with funding for materials, analysis and student stipends. In particular, to further this project, the team needs an inductively coupled plasma-mass spectrometer (ICP-MS). This machine is the only instrument that can analyze the water to



guarantee its safety for drinking. The ICP-MS would have to be housed at a university, such as NMSU.

Members of the committee asked various questions about the project and its needs. When asked why the presenters have not sought funding from the research and development department at NMSU, Dr. Lara informed the committee that the project had been voted down. A member of the committee suggested the team present before the interim Radioactive and Hazardous Materials Committee.

### **Intertribal Ceremonial Update**

John Beeman, president, Gallup Intertribal Indian Ceremonial Association, addressed the committee with an update on the 92nd Annual Ceremonial, held August 7-11, 2013. Learning from the criticisms from the previous year's event, Mr. Beeman informed the committee that the association brought back both the pow wow event and the "Flying Voladores". Mr. Beeman highlighted some of the other featured events at the 92nd Annual Ceremonial, which was attended by approximately 8,000 people. The Gallup Intertribal Indian Ceremonial receives about \$160,000 in state, county and city funding, and the event costs between \$450,000 and \$500,000 to produce. Mr. Beeman distributed packets from the event, and a group of Native American dancers performed three dances for the committee.

The committee recessed at 5:01 p.m.

### **Friday, September 27 — Pueblo of Zuni**

Senator Pinto reconvened the meeting at 9:12 a.m. Arlen P. Quetawki, Sr., governor, Pueblo of Zuni, provided an invocation. Members of the committee, staff and audience introduced themselves. Representative Alcon chaired the committee meeting.

### **Invocation, Welcome and Status Update**

Governor Quetawki welcomed the committee and introduced members of the tribal council. Governor Quetawki provided some background of the Pueblo of Zuni, adding that the pueblo is a non-gaming tribe with over 10,000 members. Many members of the pueblo are self-employed jewelers and farmers. The pueblo has relied on state funding for economic development and education for many years, but it has seen a reduction in those funds, making growth in those areas difficult. The pueblo is working on a new initiative to attract business to the community. Governor Quetawki noted that the Pueblo of Zuni is the first Native American tribe to participate in the MainStreet program, holding its first MainStreet festival in May 2013.

Andrew Othole, director of planning and development, Pueblo of Zuni, gave an overview of the pueblo's infrastructure capital improvement plan for fiscal years 2015-2019. The pueblo has worked diligently on its infrastructure development, including a new domestic water and wastewater system for the community. Mr. Othole reported that the pueblo has met the

environmental requirements for the wastewater project. These initiatives, once implemented, will allow the pueblo to provide an environment that attracts an array of local, regional and national businesses.

Regarding the wastewater project and its funding sources, Mr. Othole disclosed that the Pueblo of Zuni is looking for financial assistance from some of the gaming tribes and has been working with Regis Pecos to acquire funding from the United States Department of Agriculture (USDA). The pueblo is still waiting to hear from the New Mexico Finance Authority (NMFA) regarding funding for these projects.

Regarding gaming in the Pueblo of Zuni, the presenters explained that the pueblo does lease some gaming machines to tribes in Arizona; it is not, however, considered to be a gaming tribe by the State of New Mexico. Due to the current economic status of the pueblo, it is beginning to look into the pros and cons of becoming a gaming tribe. Governor Quetawki is cognizant of the social problems associated with gaming and is waiting to bring the issue before the community as a whole.

#### *Motion*

Representative Lundstrom made a motion for Rick Martinez, director of business development, NMFA, to provide a full status report on the Zuni water project at the next IAC meeting. The motion was seconded by Representative Madalena and passed unanimously.

#### *Motion*

A motion by Representative Lundstrom, seconded by Representative Madalena, passed unanimously for the Zuni water and wastewater projects to be considered critical infrastructure projects and to be included in the Jobs Council jobs infrastructure bill.

#### *Motion*

A motion by Representative Lundstrom, seconded by Senator Shendo, passed without objection for the IAD to have each tribe and pueblo select its most critical economic development project to be included in the Jobs Council's jobs infrastructure bill. This list is to be provided to the IAC.

Representative Powdrell-Culbert asked to have a representative from the Jobs Council present at the next IAC meeting to provide an update on the work of the council.

### **Dental Therapist: Meeting the Oral Health and Access Needs of the Native American Community**

Pamela Blackwell, J.D., project director for oral health access for Health Action New Mexico, a statewide health care consumer advocacy organization, said that New Mexico ranks thirty-ninth in the U.S. for the number of dentists per 1,000 population. Thirty-four percent of third graders have dental decay, and very few dentists in New Mexico accept Medicaid. According to Ms. Blackwell, poor oral health leads to absence from school and work and causes

other health problems. Ms. Blackwell provided information on the dental therapist program and issues related to tribal sovereignty.

Daniel Kennedy, dental health therapist, shared his experience as a dental therapist in Alaska. Mr. Kennedy added that part of the goal with dental therapy is educating communities, particularly new mothers, on good oral health habits and how to pass those habits on to their children.

DezBaa A. Daman-Mallette, D.M.D., clinical director, Nizhoni Smiles, provided more information about the dental therapy program in Alaska. Dr. Daman-Mallette outlined the important factors for a dental therapist program, which include a culturally competent provider, a strong support/mentor system, continuity of care, changes in the practice of dentists and the evolution of the dental therapist program in Alaska.

Terry Batliner, D.D.S., M.B.A., a dentist from Boulder who is associate director of the Center for Native Oral Health Research at the Colorado School of Public Health, spoke about oral health in tribal areas and the importance of preventative care.

Michael E. Bird, chair, Kewa Pueblo Health Corporation, highlighted the socioeconomic status and oral health of Native American populations in New Mexico. Mr. Bird acknowledged the negative press that New Mexico has received regarding low ratings on health care. Mr. Bird believes that the dental therapy program builds the capacity for tribal areas to care for their own people. He also spoke about tribal self-determination and sovereignty, saying that outside governments do not always know what is best for Native American people.

Rex Lee Jim, vice president, Navajo Nation, addressed the committee about the need for a remedy for the oral health shortage among Native American communities, particularly within the Navajo Nation. Vice President Jim shared statistics about the oral health of the Navajo Nation: 10 percent of young children have tooth decay; 25 percent of Native American elders are without their natural teeth; and only 59 percent of children in the third grade have seen a dentist in the past year. He stressed the desire to see Navajo speakers become dental therapists, adding that people who are from the community are best able to communicate with members from an area. The Navajo Nation supports the dental therapy program legislation. Vice President Jim expressed that a proposed board of dental therapists should include two Native American voting members.

An IAC member inquired about the education and capabilities of dental therapists; the differences between hygienists, therapists and dentists; how programs would be set up in rural areas; billing and insurance; and how the Alaskan model was implemented. Some members expressed concern about the issues with the dental therapy bill, HB 17, from the 2013 session, and that those issues had not been addressed.

Several members of the committee voiced their support for the program, citing benefits to economic development in rural areas and the promotion of healthy communities, and encouraged the panel to continue with this program.

In response to questions about the positions of the New Mexico Dental Association and the American Dental Association, Joe Menapace, lobbyist, offered to prepare a full presentation for the committee.

Senator Martinez asked Representative Madalena to have the Legislative Health and Human Services Committee, which Representative Madalena chairs, to consider the issue of dental therapists and dentists in the state.

### **Higher Education: Update on Outreach to Native American Students by Northern New Mexico College (NNMC)**

Ricky Serna, vice president for advancement, NNMC, and Kimberly Sisneros-Othole, director, American Indian affairs, NNMC, provided an overview of NNMC and its Northern Pueblos Institute. NNMC is seeking to become a Hispanic and Native American institution that will be recognized nationally for cultural sustainability, quality student learning and developing economically strong communities among diverse populations. The presenters discussed the demographics of the student population and the academic programs offered by NNMC. The institutional strategic priorities include accreditation for the engineering, college of education, nursing and business administration programs; enhancing the college's retention rates; increasing student enrollment; and establishing a residence hall.

Ms. Sisneros-Othole shared the Northern Pueblos Institute's mission to cultivate student leadership and support tribal capacity-building to be successful Native Americans in the twenty-first century. Ms. Sisneros-Othole provided information on Native American enrollment, illustrating student increases over the past several semesters. Despite growth in enrollment and program expansions, NNMC receives less than any other four-year institution in the state in appropriations and tuition revenue.

NNMC strives to build strong rapport with school districts. NNMC has partnerships for dual credit with Pojoaque Valley schools, Dulce schools and the Santa Fe Indian School. As part of ongoing initiatives, NNMC is collaborating with state colleges, tribal colleges, community-based organizations and state and local policymakers to work together to improve post-secondary educational opportunities for Native American students.

### **UNM-Gallup Native American Education Initiative**

Dr. Christopher Dyer, executive director, UNM-Gallup, addressed the committee regarding UNM-Gallup's Native American Education Initiative. Dr. Dyer discussed the following programs:

*Allied Health Care* — UNM-Gallup is looking to expand its public health care curriculum, working on establishing a "healthy foods movement" and becoming a regional center for community gardens and nutritional therapy.

*Work Force Development* — founded as a reaction to the community's criticism of not having enough work force development, UNM-Gallup is creating business incubators, child care centers and work force connection centers.

*EMS/FEMA Navajo Youth Corps* — this program focuses on developing a community-based disaster resilience model with a youth action team able to respond to emergencies. This program is funded by a Blue Cross-Blue Shield emergency response grant.

*Johnston Scholarship Foundation* — this scholarship program focuses on entrepreneurship and provides between \$600 and \$1,200 per semester per student. The scholarship program currently funds 18 students, with hopes to expand funding.

*Teach for America* — Teach for America is interested in recruiting new teachers from UNM-Gallup's bachelor and graduate programs.

*Dry Land Agriculture* — this program focuses on working with groups, including the Pueblo of Zuni, the Navajo Nation, the USDA and UNM-Grants, to rejuvenate watersheds.

### **Zuni MainStreet**

Tom Kennedy, director of tourism, director of the Pueblo of Zuni MainStreet (ZMS), shared the accomplishments of the program. In July 2012, the Pueblo of Zuni was inducted into the New Mexico MainStreet (NMMS) program as the nation's first Native American MainStreet community. The ZMS has made significant organizational progress in the first year, including the formation of a board, election of officers, adoption of bylaws and application for 501(c)(3) status. The board is focusing on four areas: design, economic positioning, promotions and organization. Mr. Kennedy also highlighted a community design workshop, facilitated by the NMMS, on the redesign of the four-way intersection in the ZMS district in July 2013. He credited the pueblo as the main support of ZMS. Mr. Kennedy provided a list of upcoming ZMS funding needs, including:

- operational funding to match tribal contributions;
- master planning;
- four-way intersection project — architectural plans and construction;
- general design enhancements; and
- signage.

Mr. Kennedy also presented on behalf of the Indian tourism program of the Tourism Department (NMITP), by giving an overview of the program's activities. The NMITP has met

with tribes one on one to discuss how to better collaborate and promote destinations and enterprises. Mr. Kennedy provided examples of how the NMITP has implemented several projects to promote tourism into tribal communities, including interactive maps, the use of the "New Mexico True" brand and media advertisements featuring dancers and points of interest. Mr. Kennedy said that to promote tourism and to make the Pueblo of Zuni a marketable, attractive destination, it needs an attractive main street; lodging (currently, the pueblo has only one inn with seven rooms, so visitors end up staying in Grants or Gallup, making the economies of those cities the beneficiary); and the development of other venues, thus providing other cultural attractions in the area.

**Adjourn**

There being no further business before the committee, the fourth meeting of the IAC adjourned at 3:22 p.m.

**MINUTES  
of the  
FIFTH MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**October 28-29, 2013  
Inn of the Mountain Gods  
Mescalero**

The fifth meeting of the Indian Affairs Committee (IAC) was called to order at 10:10 a.m. by Senator John Pinto, co-chair, on October 28, 2013 at the Inn of the Mountain Gods in Mescalero.

**Present**

Rep. Sandra D. Jeff, Co-Chair  
Sen. John Pinto, Co-Chair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Sharon Clahchischilliage  
Rep. Patricia A. Lundstrom  
Rep. James Roger Madalena  
Sen. Richard C. Martinez  
Sen. Cliff R. Pirtle  
Rep. Jane E. Powdrell-Culbert  
Sen. Nancy Rodriguez (10/28)  
Sen. Benny Shendo, Jr.  
Sen. William P. Soules (10/28)

**Absent**

Sen. John C. Ryan

**Advisory Members**

Rep. Ernest H. Chavez  
Rep. Georgene Louis  
Rep. Debbie A. Rodella  
Rep. Patricia Roybal Caballero (10/28)

Sen. Carlos R. Cisneros  
Rep. Zachary J. Cook  
Sen. Stuart Ingle  
Sen. Daniel A. Ivey-Soto  
Rep. Antonio "Moe" Maestas  
Rep. Nick Salazar  
Sen. Clemente Sanchez

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)  
Monica Ewing, Staff Attorney, LCS  
Alexandria Tapia, Research Assistant, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Copies of all handouts are in the meeting file.

**Monday, October 28****Call to Order**

Senator Pinto welcomed everyone to the fifth meeting of the IAC. Members of the committee, staff and audience introduced themselves.

**Welcome, Invocation and Status Update**

Sandra Platero, president, Mescalero Apache Tribe, welcomed the committee and provided a brief history of the Mescalero Apache Tribe and its relationship with the State of New Mexico. President Platero noted the importance of the committee in educating members of the legislature on Native American issues and needs.

Pascal Enjady, movie editor, shared with the committee a video in commemoration of the New Mexico Centennial titled "Two Year Promise". The film documents the 27-year imprisonment period of the Chiricahua Apache by the United States government (more information on the documentary can be found at [TwoYearPromise.com](http://TwoYearPromise.com)). Members of the committee discussed the need to provide students with a complete history of New Mexico, including tragedies like that of the Chiricahua Apache people.

*Motion*

Representative Jeff made a motion for a supporting letter on behalf of the committee recognizing the misdeeds of the United States government against the Chiricahua Apache people and a proclamation for a day at the New Mexico Legislature honoring the tragedy. The motion was seconded by Representative Madalena and passed unanimously.

**Update from the Indigenous Design and Planning Institute (IDPI) of the University of New Mexico (UNM) School of Architecture and Planning**

Dr. Ted Jojola, director, IDPI, UNM School of Architecture and Planning, gave an update of the statewide projects currently being conducted by the IDPI (please see handout for details on the projects). Amanda Montoya, program specialist, spoke specifically about the community-based projects that the IDPI is working on in tribal areas. The Isleta del Sur cultural corridor plan is one of the three projects nationally recognized by the National Endowment for the Arts. Referring to the program, Dr. Jojola explained that the IDPI operates on a \$200,000 annual budget and is working to build capacity within the school to develop a concentration and perhaps even a Ph.D. program in the near future. As of now, the program is self-funded, receiving grants and other funding from the tribes with which it works. Currently, one out of every five students in the program is a Native American, and there are two Native American faculty members.



Dr. Jojola noted that tribal communities are interested in meaningful development, and he acknowledged that there is a critical need for tribes to figure out how to deal with development. Most communities are dealing with the younger generation obtaining degrees but being unable to return to their communities because there is a lack of jobs. Dr. Jojola commented that it is a challenge to get public participation and get people to take ownership in their communities.

Members of the committee asked several questions regarding project requests from tribes. Dr. Jojola answered that the IDPI does work with individual tribes and that the IDPI has a memorandum of understanding with the Navajo Nation. Responding to a question, Dr. Jojola stated that the IDPI will be seeking \$500,000 in the upcoming session to support projects; and while the request will be for the next year, the IDPI hopes to see continued funding in the long term.

### **Gaming Control Board (GCB) and Oversight of Money Dedicated to Combat Problem Gambling**

Paulette Becker, interim state gaming representative and member, GCB, presented the 2012 Compulsive Gambling Report, noting that the GCB is still in the process of updating the data through the end of 2012. Ms. Becker explained that there is not a compulsive gambling fund that is pooled together from all of the tribes. It is left up to the tribes to see how the money that is set aside for problem gambling, as outlined in their respective compacts, is spent. The New Mexico Council on Problem Gambling serves in a quasi-governmental capacity — it promotes and publicizes the "1-800" number for individuals with gambling addictions to seek counseling. Individuals can also self-exclude themselves from tribal and non-tribal programs, including racetracks. The GCB conducts four or five tribal inspections to ensure that money is set aside for problem gambling by the terms of the compact; however, the GCB does not have any authority to dictate how those funds are spent. Frank A. Baca, interim executive director and general counsel, GCB, explained that under the 2001 compact, the GCB does have the authority to get information on where the money is spent but cannot publish it. Under the 2007 compact, the GCB can publish the information by category.

Members of the committee expressed concern that the position of the state gaming representative has been vacant for some time and that repeated requests to have a Native American voting member on the GCB have failed.

#### *Motion*

Representative Lundstrom made a motion for a memorial to study what the GCB does and to include a full assessment of the GCB. The motion was seconded by Senator Rodriguez and passed unanimously.

Responding to questions from the committee, Mr. Baca clarified that the GCB examines tribes' general ledgers to see where they are spending the money set aside for combating compulsive gambling. In addition, the GCB uses a checklist to review and inspect revenue sharing paid to the state; to ensure that the numbers coming in from the slot accounting systems

are correct; to look at efforts to provide safe gaming environments for patrons and employees; to check that the number of machines matches with schematics; and to ensure that automated teller machines do not accept electronic benefit transfer cards. Following the inspection, a letter with findings is sent to the tribe. If a casino is found to be in noncompliance, the GCB will revisit the location to see if the casino has resolved the issue. Each tribe has its own regulatory staff independent of the GCB that is the first line of regulators. The GCB does not report back to any legislative committees, and the results are kept confidential.

Responding to a question from the committee, Ms. Becker disclosed that the tribes paid \$68 million last year in revenue sharing to the state's general fund. With the exception of the debate about "free play", all of the tribes have paid their share. In response to a question about vacant positions, Ms. Becker shared that the GCB has 13 audit positions, with 11 of those positions filled and two more in the process of being filled by spring 2014. The GCB has requested two additional auditing positions in its budget requests for fiscal year 2015.

### **Status Report on Tribal Wastewater Projects**

Rick Martinez, Government Assistance Program, New Mexico Finance Authority (NMFA), and Crispin Kinney, tribal infrastructure planner, Indian Affairs Department (IAD), updated the committee on the status of the tribal wastewater projects. The federal Indian Health Service currently has active requests for water and wastewater projects throughout all of the pueblos and tribes in New Mexico, with the Navajo Nation being the largest recipient. The presenters distributed a handout produced by the NMFA with a breakdown of the individual projects and budgets (please see handout).

Members of the committee asked questions about the availability of funding and the time line for applying. Mr. Kinney explained that the funding cycle starts November 1 of each year with the opening of the Tribal Infrastructure Project Fund (TIPF) portal and applications are due by December 16. Presentations are made for those on the final list, and the projects that are selected are announced in May. The decision of the Tribal Infrastructure Board is final, and there is not an appeal process for projects that are denied. Members of the committee asked questions about specific projects and chapters that are being left out in terms of funding. Duane Duffy, deputy secretary, IAD, informed the committee that the IAD is conducting workshops in various chapters on how to effectively apply for TIPF requests.

### **Transfer of Public Lands Act**

Representative Yvette Herrell gave a PowerPoint presentation to the committee on House Bill 292 (2013), a bill that would return federal lands in New Mexico back to the control of the state. (She had given similar presentations to both the Economic and Rural Development and Land Grant committees during the 2012 interim.) Representative Herrell's bill mirrors one that passed in Utah, the Transfer of Public Lands Act. Representative Herrell noted that less than 50% of all the land in the western United States is managed by the states themselves and that these states could utilize the land to produce a profit, especially by utilizing natural resources. She stated that under her version of the bill, Native American lands, military bases and national

monuments would be exempt from transfer. She added that similar movements have been started in many states. Representative Herrell wants to draft a bill for the 2014 session requesting a task force to study the feasibility of transferring lands back to the state.

Members of the committee asked Representative Herrell questions about the proposed Transfer of Public Lands Act and raised concerns on how it would affect entities such as the New Mexico School for the Deaf, which receives the majority of its funding from the taxation of those lands. Members of the committee also mentioned that Native Americans and land grants may have legitimate claims to the land. Representative Herrell said that is why a task force would be necessary to study these issues, examining how the transfer of land would affect various entities and exploring the potential benefits to the State of New Mexico.

A member of the committee suggested that Representative Herrell bring the proposed legislation to the final IAC meeting to be reviewed and vetted prior to the legislative session. Responding to a question, Representative Herrell said that she believes that because the governor is interested in this issue due to sequestration, the proposed bill would likely get a message from the Office of the Governor for the bill to be heard during the upcoming 2014 30-day session. Members of the committee also discussed and suggested various stakeholders who should be included on the task force, should it be established.

#### **Recess**

The IAC recessed for the day at 4:26 p.m.

#### **Tuesday, October 29**

Representative Jeff reconvened the IAC at 10:12 a.m.

#### **Update on Indian Water Rights Settlements**

Scott Verhines, state engineer and member, Interstate Stream Commission (ISC), presented an annual report on Indian water rights settlements. New Mexico has three Indian water rights settlements pending: the Navajo Nation Water Rights Settlement in the San Juan River adjudication; the Settlement Agreement with the Pueblos of Nambe, Pojoaque, Tesuque and San Ildefonso in the *Aamodi* adjudication; and the Taos Pueblo Settlement in the Rio Pueblo de Taos/Rio Hondo *Abeyta* adjudication. Mr. Verhines, as required by Section 72-1-11 NMSA 1978, reported to the committee and covered the following subjects (please see handout for full report):

1. the status of proposed Indian water rights settlements requiring state financing;
2. the distribution of funds from the Indian Water Rights Settlement Fund to implement approved settlements; and
3. recommendations on appropriations to the fund necessary to implement Indian water rights settlements in a timely manner.

Members of the committee discussed some of the projects that are still being litigated. Estevan Lopez, director, ISC, responded that the ISC will continue to look for opportunities to settle these cases. Mr. Lopez added that the ISC frequently interacts with the congressional delegation and hopes to bring the federal government into a more proportionate contribution level.

#### *Motion*

Representative Lundstrom made a motion for a letter to be sent to the New Mexico congressional delegation on behalf of the IAC to the Legislative Finance Committee and its staff requesting support for continued funding for the Indian Water Rights Settlement Fund. The motion was seconded by Representative Rodella and passed unanimously.

Representative Jeff requested that the ISC provide the IAC with a breakdown of the gross receipts tax in Gallup.

#### **Update on the Tribal-State Gaming Compacts Negotiations**

Jessica Hernandez, deputy chief of staff and general counsel, Office of the Governor, and Jeremiah Ritchie, legislative liaison, Office of the Governor, provided an update on gaming compact negotiations since the September IAC meeting. Ms. Hernandez provided a brief summary of the existing compacts and an explanation for why the Office of the Governor is working to negotiate now. There are less than two years left on the 2001 compact; if that expires without new compacts in place, the tribes under that compact will no longer be able to operate Class III gaming facilities in New Mexico. Of the currently negotiating tribes, only the Navajo Nation has come to an agreement with the Office of the Governor on a compact. Ms. Hernandez stressed that it is important to get all of the compacts submitted to the legislative Committee on Compacts (COC) in a complete form, with enough time to allow the COC to go through its process. The Office of the Governor hopes to have something to the COC by December.

Ms. Hernandez raised concerns about the negotiation process and all of the parties' full commitment to reaching a compromise. The IAC discussed these concerns and asked questions about the consequences of not reaching an agreement and not forming new compacts. Ms. Hernandez reiterated the Office of the Governor's intent to negotiate in good faith with all of the tribes and pueblos. At this time, details of the negotiations are confidential. Ms. Hernandez stated that the Office of the Governor has been working to find a balance in dealing with each tribe as an individual sovereign entity, acknowledging that not every tribe has the same needs and priorities. New Mexico law would allow for multiple compacts.

Ms. Hernandez asked the committee to encourage the tribes and pueblos to continue to negotiate with the Office of the Governor; the process could be helped if the members of the legislature expressed their support for these negotiations.

### **National Navajo Code Talkers Museum and Veterans Center**

Senator Pinto, with Peter MacDonald, senior president, Navajo Code Talkers Association, spoke about the role of the Navajo Code Talkers during World War II and the proposed museum and veterans center. Mr. MacDonald provided some history of the Navajo Code Talkers, adding that the Navajo Code Talkers were highly instrumental in turning the tide of the war. Time is of the essence, as there are only 38 living Navajo Code Talkers and only 10 that live in New Mexico. It is a top priority of the nation to honor these individuals as icons for young people, especially Native Americans, giving them an example and something of which to be proud.

Mr. MacDonald requested \$1 million for the start-up costs of the museum and veterans center, including planning, design and site preparation. The museum is dedicated to the overarching purpose of providing historical clarity, accuracy and context in preserving the extraordinary contributions of the Navajo Code Talkers for future generations. The veterans center will provide integrated services, resources and opportunities for all veterans, active duty personnel and their families.

#### *Motion*

Representative Madalena made a motion, seconded by Representative Jeff, for the committee to endorse legislation for an appropriation to fund the National Navajo Code Talkers Museum and Veterans Center. The motion passed unanimously.

### **AMIKids Sandoval: Education and Life Skills**

Roslynn L. Gallegos, B.S.W., aftercare coordinator, AMIKids Sandoval, and Martine Lopez, director of behavioral health, AMIKids Sandoval, spoke to the committee about their program for at-risk youth. AMIKids is a nonprofit organization dedicated to helping at-risk youth develop into responsible and productive citizens. Their mission is to protect public safety and provide a positive impact on as many youths as possible through the efforts of a diverse and innovative staff. The program is accredited by the American Correctional Association and provides general education degree and advanced placement courses; individual and family therapy; therapeutic programming; and equine-based therapy (horsemanship and rodeo programs). The presenters talked in depth about the horsemanship and rodeo programs, detailing a breakdown of their budget and the skills that youths gain from working with horses.

A member of the committee asked the presenters about the AMIKids Sandoval property and the individuals that are accepted into the program. Ms. Gallegos explained that the property is located on the Sandoval County fairgrounds and is maintained by the county. AMIKids can be considered as either the first option for individuals or a last resort. The program will also consider allowing juveniles to return after being previously discharged. The capacity for the program is 36, and currently there are 22 individuals in the program.

### **Adjournment**

There being no further business before the committee, the fifth IAC meeting adjourned at 1:59 p.m.

**MINUTES  
of the  
SIXTH MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**December 9-10, 2013  
Buffalo Thunder Resort & Casino, Pueblo of Pojoaque  
Room 317, State Capitol, Santa Fe**

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The sixth meeting of the Indian Affairs Committee (IAC) was called to order by Representative Sandra D. Jeff, co-chair, on December 9, 2013 at 9:30 a.m. at the Pueblo of Pojoaque in the Tewa Ballroom of Buffalo Thunder Resort and Casino.

**Present**

Rep. Sandra D. Jeff, Co-Chair  
Sen. John Pinto, Co-Chair  
Rep. Eliseo Alcon  
Rep. Sharon Clahchischilliage  
Rep. James Roger Madalena  
Sen. Richard C. Martinez  
Sen. Cliff R. Pirtle (Dec. 10)  
Rep. Jane E. Powdrell-Culbert (Dec. 10)  
Sen. Nancy Rodriguez  
Sen. John C. Ryan (Dec. 10)  
Sen. Benny Shendo, Jr. (Dec. 9)

**Absent**

Rep. Alonzo Baldonado  
Rep. Patricia A. Lundstrom  
Sen. William P. Soules

**Advisory Members**

Rep. Ernest H. Chavez  
Rep. Georgene Louis  
Rep. Debbie A. Rodella (Dec. 10)  
Rep. Patricia Roybal Caballero  
Sen. Clemente Sanchez

Sen. Carlos R. Cisneros  
Rep. Zachary J. Cook  
Sen. Stuart Ingle  
Sen. Daniel A. Ivey-Soto  
Rep. Antonio "Moe" Maestas  
Rep. Nick L. Salazar

**Guest Legislators**

Sen. Linda M. Lopez (Dec. 9)  
Sen. Cisco McSorley (Dec. 9)  
Rep. Rick Miera (Dec. 9)

**Staff**

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)  
Mark Edwards, Staff Attorney, LCS  
Branden M. Ibarra, Intern, LCS

## **Guests**

The guest list is in the meeting file.

## **Handouts**

Handouts and other written testimony are in the meeting file.

(Attendance dates are noted for members who did not attend the entire meeting.)

## **Monday, December 9**

### **Welcome, Invocation and Status Update**

Representative Jeff welcomed everyone and thanked the Pueblo of Pojoaque for hosting the meeting. Committee, staff and audience members introduced themselves. A member of the Pueblo of Tesuque delivered an invocation.

George Rivera, governor, Pueblo of Pojoaque, welcomed the IAC and commended its members for their work in forwarding tribal sovereignty and championing issues facing the Native American community.

Governor Rivera said tribal sovereigns are not being treated fairly and equally regarding the ongoing gaming compact negotiations with the State of New Mexico. The federal Indian Gaming Regulatory Act (IGRA) was established to develop tribal economies. Governor Rivera said the highest priority of the pueblo is to provide for the general welfare of its people. The current compact terms and conditions being proposed by the state would force the pueblo to cut benefits and employment to tribal members, which the pueblo is not willing to negotiate. After 19 months of compact negotiations, according to Rivera, "they are going nowhere". An increase in revenue-sharing to be paid into the state's general fund is a major concern and is not feasible in the current economic environment.

Mark Schrekengast, general manager, Pueblo of Pojoaque, explained that the gaming industry is flat and that there is tremendous competition for the gaming dollar. Major industry drivers to accommodate consumers include the quality of the product, the offerings, the rules and the prohibitions. Negative effects that the proposed additional revenue-sharing would have on the pueblo include:

1. defaulting on debt agreements with outside institutions;
2. unemployment increases;
3. sales tax decreases;
4. revenue decreases and, thus, service issues with reduced enrollments; and
5. reducing vendor purchases, which would affect capital improvements.

The state economy is greatly affected by casinos. Indian gaming ranks among the top five tourist activities across the state, and the Pueblo of Pojoaque pays over \$30 million a year in

payroll taxes to the state. For every casino job created, nearly one additional job is also created, and for every dollar in gaming revenue generated, an additional \$1.49 affects the local economy.

Another recommendation from the pueblo was to lift the prohibition on the sale of alcohol on the casino floor. Conservatively, that would generate an additional \$2.25 million in annual beverage sales in addition to new job creation and further economic development. Notably, the number one complaint from out-of-state visitors is the inability to drink while gambling. That creates an unfair playing field when competing with other gaming destinations. It is the position of the Pueblo of Pojoaque to not negotiate its tribal way of life into poverty.

A committee member asked the presenters what, if anything, is being done to combat gaming addiction. Governor Rivera said that there is a program that provides gambling addicts a 24-hour hotline and access to counseling services.

A member said that the state is constraining both tribal and state economic growth and that other states with Indian gaming allow 24-hour gambling and alcohol on the casino floor.

Responding to a question about the tenor of compact negotiations, Governor Rivera said that the state is in a hard situation because it can no longer negotiate effectively to its advantage because it gave away many of the benefits it can confer in previous negotiations with other tribes.

### **Proposed Mesa Hill Bridge Project**

Gregg Shutiva, governor, Pueblo of Acoma, described infrastructure issues facing the Pueblo of Acoma. The BNSF Railway poses a transportation and public safety issue for tribal members. With delays caused by the railway crossings, emergency responders experience an additional five-to-ten-minute delay when responding to emergencies, which is a potential life-or-death situation for a patient. The proposed Mesa Hill Bridge Project would address the transportation needs of the pueblo. This project is shovel-ready and just awaits funding. The federal Bureau of Indian Affairs allocated \$1 million for engineering of this project, and in 2009, the tribal council approved the plan.

A committee member asked the exact location of the proposed bridge project and what the total cost of the project would be. Governor Shutiva said the location is west of the Acoma business corridor, at Exit 100 off Interstate 40, and that the total cost is currently estimated at \$15 million.

Upon a motion by Representative Jeff, seconded by Representative Madalena, and without opposition, the committee decided to submit a letter of support from the Pueblo of Acoma to the New Mexico Department of Transportation and the United States Department of Transportation.



## **National Board for Professional Teaching Standards (NBPTS)**

Michelle Accardi, director, state policy and outreach, NBPTS, discussed the current education status of New Mexico. Ms. Accardi, a nationally board-certified teacher, said that it would be within the best interests of the state to support and invest in creating more nationally board-certified teachers across the state. To complete this initiative, the NBPTS has established five propositions or goals to be implemented nationwide. The five propositions are as follows.

### **Proposition 1: Teachers are committed to students and their learning.**

- Teachers recognize individual differences in their students and adjust their practices accordingly.
- Teachers have an understanding of how students develop and learn.
- Teachers treat students equitably.
- Teachers' missions extend beyond developing the cognitive capacity of their students.

### **Proposition 2: Teachers know the subjects they teach and how to teach those subjects to students.**

- Teachers appreciate how knowledge in their subjects is created, organized and linked to other disciplines.
- Teachers command specialized knowledge of how to convey a subject to students.
- Teachers generate multiple pathways to knowledge.

### **Proposition 3: Teachers are responsible for managing and monitoring student learning.**

- Teachers call upon multiple methods to reach their goals.
- Teachers orchestrate learning in group settings.
- Teachers place a premium on student engagement.
- Teachers regularly assess student progress.
- Teachers are mindful of their principal objectives.

### **Proposition 4: Teachers think systematically about their practice and learn from experience.**

- Teachers are continually making difficult choices that test their judgment.
- Teachers seek the advice of others and draw on education research and scholarship to improve their practice.

### **Proposition 5: Teachers are members of learning communities.**

- Teachers contribute to school effectiveness by collaborating with other professionals.
- Teachers work collaboratively with parents.
- Teachers take advantage of community resources.

To achieve these goals, teachers and schools need support from their administrators, their communities, the Public Education Department, the Indian Affairs Department, the federal Bureau of Indian Education and members of the state legislature.

Ms. Accardi asked that the state monitor the number of board-certified teachers working with Native American students and encourage the use of professional development funds to support teachers seeking certification. She also wants the state to provide incentives for board-certified teachers to teach and remain in Native American communities.

Committee members commended Ms. Accardi for her commitment to public education in New Mexico and lauded efforts to support public education across the state.

### **Report by the Legislative Finance Committee (LFC) on the Gaming Control Board (GCB)**

Maria Griego, program evaluator, LFC, was accompanied by Paulette Becker, interim state gaming representative and member, GCB, and Frank A. Baca, interim executive director and general counsel, GCB.

Ms. Griego provided the key findings of the LFC report on the GCB. The GCB reviews all gaming in the state with a limited staff. The state has struggled to appoint and retain a state gaming representative. Gaming compact provisions limit the GCB's ability to ensure tribal compliance, creating significant risk in overseeing the state's interests in tribal gaming. The LFC staff could not determine if the GCB is accurate in its challenges to net win calculations with various gaming tribes. Legislative oversight of tribal revenue-sharing is limited to payment confirmation only. All other information is confidential. Gaming revenues have shifted among an increasing number of tribal casinos, signaling potential oversaturation in the marketplace. After providing information on the key findings of the audit, Ms. Griego presented a list of recommendations to the committee. She suggested that the legislature consider exercising its authority under the Compact Negotiation Act to request negotiations with gaming tribes to amend compacts to increase legislative oversight of tribal gaming in New Mexico through:

1. creating stipulations for formal cyclical legislative review of tribal gaming and compact compliance by both the state and tribes;
2. clarifying compact language to define which state entities can review tribal data, subject to maintaining current confidentiality standards in the compacts;
3. updating language regarding confidentiality in the Gaming Control Act to allow the legislature and the state auditor access to reports and data to assess the GCB's oversight function with the requirement that confidential data not be made public; and
4. statutorily creating an independent office of the state gaming representative to avoid extended periods of vacancy in this position.

Mr. Baca said the GCB did not necessarily agree with the LFC's findings but welcomed the recommendation for extra staff. Gaming data are currently undergoing the process of being entered into a new software system to become more efficient and more effective. With an increase in tribal auditors, this will greatly contribute to the tribal gaming inspections. Mr. Baca said that the GCB is not involved in compact negotiations in any way. The only parties that are at the negotiating table are the state and tribal governments.

A committee member directed a question to Mr. Baca on the issue of free play, stating that the issue has become one of great importance. A member asked for an official definition of free play. Mr. Baca said he would provide that.

Mr. Baca said that the GCB has been dealing with the issue of free play very seriously for many years and that while much of the information collected is confidential, free play constitutes \$30 million to \$40 million annually.

### **Gaming Compact Negotiations Update: Pueblo of Pojoaque**

Governor Rivera said the Pueblo of Pojoaque requested gaming compact negotiations with the state two years ago, and after 19 months of ongoing negotiations, no positive progress has been made. If a legitimate gaming compact settlement cannot be reached, the pueblo reserves the right to go the federal route with the United States Department of the Interior (DOI). At a certain point during negotiations with the state, the pueblo realized that nothing feasible could be achieved as far as a 25-year commitment to a compact.

Steffani Cochran, chief legal counsel, Pueblo of Pojoaque, gave a summary of the history and background of IGRA and landmark United States Supreme Court cases that established the precedents for gaming policies today. Ms. Cochran said that to provide for the effective regulation of Indian gaming, there are three industry regulators: (1) the United States federal government; (2) the various state governments; and (3) the tribal governments themselves. The pueblo's position is that any decision made or any terms and conditions that are agreed upon by the parties involved must contribute to the economic development of the tribe. The economic independence of the pueblo allows it to contribute heavily to both the local and state government.

The most important factor set forth in IGRA is for tribal self-determination. The pueblo will not negotiate itself into a position of reliance in which the state is the main beneficiary of the Indian gaming industry, which would be contrary to IGRA. Indian gaming is an important means of support for tribal governments and an important component of tribal, local and regional economies.

IGRA represents a congressional compromise to strike a balance between the rights of the various tribes to engage in activities generally free of state jurisdiction and the interests of the states in regulating gaming activities within state boundaries. However, the U.S. Congress passed the IGRA with the express goal of codifying tribal rights to operate gaming establishments for the purpose of promoting tribal economic development, tribal self-determination and strong tribal governments, while at the same time providing sufficient regulation to ensure both the legality of the operations and the protection of tribal interests.

### **Gaming Compact Negotiations Update: Jicarilla Apache Nation**

Ty Vicenti, president, Jicarilla Apache Nation, thanked the IAC for the opportunity to comment on the status of the gaming compact negotiations between the nation and the Office of the Governor and read prepared comments (see handout).

Dion Killsback, general counsel, Jicarilla Apache Nation, provided a presentation that covered a history of Indian gaming, tribal sovereignty, state interests and the federal trust responsibility.

### **Gaming Compact Negotiations Update: Pueblo of Acoma**

Governor Shutiva noted the benefits derived from Indian gaming for native and non-native communities in rural areas of the state. He expressed concern regarding negotiations. Currently, the Pueblo of Acoma is negotiating with the Office of the Governor to reach compact terms with the State of New Mexico regarding revenue-sharing rates, exclusivity, limits on the number of gaming facilities, regulatory fees and industry standards, which include alcohol on the gaming floor. The governor has moved some toward the Pueblo of Acoma's requests, and the pueblo needs to evaluate whether the state has moved far enough.

The economy has changed dramatically since the Pueblo of Acoma last negotiated a compact. The economy today is not the same as it was in 2001. The pueblo is still trying to recover from the recession and its economic fallout. It is heavily reliant on revenue from gaming, which is the only major source of revenue for the pueblo. Those funds are used to operate tribal government and many tribal programs.

Governor Shutiva said the pueblo creates jobs with gaming revenues for both Indians and non-Indians, and currently the pueblo has 500 employees, making it the largest employer in Cibola County. Governor Shutiva agrees with other tribal leaders that the gaming compact that is going to be negotiated needs to benefit primarily the tribes. Reducing revenue shares and other payments to the state will be essential.

Governor Shutiva stressed to the committee that the governor of New Mexico and the state legislature signed off on a bill during the last session that offered out-of-state corporations a much lower rate in order to attract businesses to New Mexico. However, the state is unwilling to offer the state's gaming tribes a similar deal at the same rates.

It is the will of the Pueblo of Acoma to create sound and sustainable business and economic development within its tribal lands. In order to achieve this, the pueblo needs to negotiate a fair and favorable gaming compact with meaningful concessions by the state. The pueblo remains at the negotiating table with the Office of the Governor, with the ultimate goal of submitting a compact to the legislature by the 2014 legislative session.

### **Gaming Compact Negotiations Update: Mescalero Apache Tribe**

Sandra Platero, president, Mescalero Apache Tribe, thanked the IAC and read her written testimony (see handout).

### **Gaming Compact Negotiations Update: Navajo Nation**

Ben Shelly, president, Navajo Nation, thanked the IAC and read his written testimony (see handout).

### **Additional Tribal Comments**

Phillip A. Perez, governor, Pueblo of Nambe, stated that he is in full support of his sister pueblos. In his opinion, the state has an idea of how to negotiate in good faith, but it is failing to do so. For one sovereign to dictate to another is not good policy, and the state needs to adhere to the unique needs and status of the various tribes in New Mexico.

Charlie Dorame, government affairs liaison, Pueblo of Tesuque, also extended his support to the sister pueblos by stating that tribes are finally being granted the opportunity to express their opinions regarding the ongoing gaming compacts with the states. When the 2001 and 2007 compacts were signed, there was never any mention of free play. It was never a negotiated item, but it is now being made an issue by the GCB, apparently because the state is in desperate need of additional revenues.

Representative Jeff requested that all of the gaming tribes, in addition to the state negotiators, form a panel to entertain IAC members' questions.

Because the Pueblo of Pojoaque is considering pursuing a federal route, a committee member asked which federally recognized tribes have used this approach to secure a gaming compact. Stephen Hard, attorney, Navajo Nation, said four out-of-state gaming tribes have successfully secured a gaming compact through the federal route as opposed to a state gaming compact. The member said that the five tribes currently negotiating in New Mexico are "under the gun" in attempting to negotiate and secure a gaming compact with the state, and the member expressed uncertainty about whether there will be sufficient time to properly evaluate the gaming compact before the upcoming 30-day session.

Another committee member stated that the Committee on Compacts is allowed to recommend changes or alterations up to three times. The question was whether the DOI would approve the compacts that are currently being negotiated.

Lorenzo Bates, council delegate and chair, Navajo Nation Gaming Task Force Subcommittee, said communications have been exchanged with the DOI. He said that the free-play issue, which has been settled by the Navajo Nation and the state, has recently gained national attention. There is no industry standard on free play, which varies from compact to compact and from government to government.

A member expressed doubts that the DOI would approve the Navajo Nation gaming compact. A question was directed to Jessica Hernandez, deputy chief of staff/general counsel, Office of the Governor, who was appointed by Governor Susana Martinez to negotiate on the governor's behalf. The member asked why the state continues to push for the Navajo Nation compact if chances are slim that the DOI would approve it. Ms. Hernandez said that there has been no official disapproval from the DOI.

The committee member asked why the process is taking so long. Ms. Hernandez said that when the 2007 compacts were negotiated, it took much longer than the 19 months the current negotiations have taken, and they are on schedule. She said the state has remained well within the terms and conditions of IGRA and is on "safe ground". She said that by no means is the state negotiating in bad faith, and the current rates are either at or below the rates of the 2007 compact agreements.

Governor Rivera said that the Pueblo of Pojoaque did not agree with the 2007 gaming compact and that the terms and conditions were bad for the pueblo then and are currently worse. In Governor Rivera's opinion, the current compact will not sustain the pueblo's needs for the next 25 years. With the gaming industry being flat, revenue is desperately needed by the tribe in order to sustain tribal programs and economic development. Every party is trying to create jobs and sustain economic growth. Also, the pueblo is not requesting exclusivity as part of the compact.

A committee member asked how IGRA addresses the issue of free play as a condition of Indian gaming. Ms. Hernandez said that free play is not mentioned in IGRA, but the act does say that states are allowed to negotiate all issues related to gaming within their state boundaries. Thus, free play is negotiable during the gaming compact negotiation process. Ms. Hernandez also stated that the state is willing to negotiate with any gaming tribe within the State of New Mexico as long as it is a federally recognized tribe.

A committee member asked if the gaming tribes feel that money is owed to the state in the form of free-play revenue-sharing. Tribal representatives said no.

Mr. Bates said that the compacts bring \$64 million a year to the state, and the members should know that before running the risk of ending up without gaming compacts.

Ms. Hernandez said it is important to recognize the actual procedures the gaming compacts are subject to and that the "good faith" of the state should not be in question because one compact has been successfully agreed upon, two are very close to being completed and the final two are still on the negotiating table.

The IAC committee recessed at 6:10 p.m.

## **Tuesday, December 10**

### **Reconvene**

The sixth IAC meeting was reconvened by Senator Pinto at 9:30 a.m. in Room 317 of the State Capitol. Committee members, staff and the audience introduced themselves. Conroy Chino, registered lobbyist representing the Pueblos of Acoma and Santa Clara and the Jicarilla Apache Nation, gave an invocation.

## **University of New Mexico School of Law (UNM SOL) and Its Commitment to Native Americans**

Dr. David J. Herring, dean, UNM SOL, accompanied by Dr. Christine Zuni Cruz, associate dean, Indian Law Program, UNM SOL, provided a status update pursuant to House Memorial 34 (2013) regarding UNM SOL's commitment to Native American students and the various tribal communities across the state.

UNM SOL has designed and implemented its premiere American Indian Law Center, which maintains a high profile on a regional and nationwide level. A historical time line of the law center's progress and developments was provided to the committee members and can be located in the meeting file. Seven percent of the students at UNM and 11% of the students at UNM SOL are Native American/American Indian. However, in the last four years, law school applications have dropped by 50%, according to a national admissions report.

The greatest challenge facing Native American law students is financial aid, and the school is committed to overcoming that challenge. UNM SOL is a "bargain", with its overall expenses dramatically lower than other state expenses. The Native American student body receives approximately 46% of the financial aid offered by UNM SOL and this is a clear indication of the institution's commitment to Native American education. However, limited funding makes this endeavor a serious challenge. In recent years, competition among law school applicants has risen dramatically.

The Law and Indigenous Peoples Program provides Native American students with a "home-away-from-home" environment. The deans were pleased to inform the committee of the Native American graduation rate, which is currently in the 80% to 100% range.

The American Indian Law certificate is a 21-credit-requirement degree, which includes six required credits, nine elective credits and six clinical education credits.

The Southwest Indian Law Clinic has become a leader in the area of clinical education and is a very successful program. UNM SOL has become a law partner with the State of New Mexico, with the program receiving a majority of its funding from the state. The clinic aims to be more independent and plans to hire another full-time tenure-track faculty member. Out of the 20 full-time staff members, six are identified as Native American/American Indian.

A committee member asked how many current law students are identified as Native American and/or American Indian. Dean Herring said there are 42 law students who are tribal members. Associate Dean Zuni Cruz said that Native American law students can be identified as multiracial when submitting a tribal identification.

Raúl E. Burciaga, director, LCS, provided information regarding a UNM SOL clinic that is available to legislators for a crash course on certain areas of law, including Indian law.

## **Update on the Jobs Council**

Mr. Burciaga was accompanied by Tessa Ryan, staff attorney, LCS. He gave an update on the Jobs Council's work over the past months. The first session convened in June 2013, when it was determined what the process would be to provide a consensus on enhancing job creation in the state. The Jobs Council, which successfully met on seven separate occasions, is different from other interim committees. It used roundtable discussions and brainstorming sessions to address the key issue of job creation. Parties involved in the discussions included industry experts, economic developers and contractors, who offered proposals to members of the committee. The Jobs Council determined that the state needs to create an additional 161,000 jobs over the next decade to return to pre-recession levels.

## **New Mexico Dental Association (NMDA) Update**

Dr. Tom Schripsema, legislative liaison, NMDA, was accompanied by Dr. Michael Brown, health dentist and educator, and Stephine Poston, owner/founder, Poston & Associates, LLC. Dr. Schripsema said the goals of the NMDA are to provide a comprehensive approach to resolving the barriers that challenge good oral health and that NMDA has 12 goals, which are broken down into four categories: (1) prevention and public health; (2) effective funding; (3) education; and (4) practice and work force.

### *Prevention & Public Health*

Focus No. 1: Implement a statewide incentive program for community water fluoridation.

Focus No. 2: Establish a qualified dentist as state dental director and empower the director to create an effective preventive dental public health program.

Focus No. 3: Establish a requirement that children have a documented dentist's examination prior to enrolling in school in New Mexico.

### *Effective Funding*

Focus No. 4: Reform and expand Medicaid to streamline claim submissions, provide improved benefits for adults and seniors and reimburse at reasonable market-justified rates.

Focus No. 5: Establish a dental benefits "bill of rights" to assure that patients see the dentists they choose without inappropriate coercion or penalties.

Focus No. 6: Remove gross receipts tax from all non-elective health care services.

### *Education*

Focus No. 7: Fund grants for all students accepted into dental schools through Western Interstate Commission for Higher Education or contract equivalents.

Focus No. 8: Establish a B.A./D.D.S. program to recruit, nurture and support New Mexico students through dental school and to encourage diversity.



Focus No. 9: Construct public health infrastructure to recruit faculty and support clinical externships during transition from out-of-state to in-state dental schools.

#### *Practice and Work Force*

Focus No. 10: Initiate or expand existing student loan repayment or scholarship programs for up to the entire cost of dental school in exchange for agreements to practice in highly underserved areas.

Focus No. 11: Utilize a demonstration project in cooperation with underserved New Mexico communities to investigate using expanded-function dental "mid-levels" of various models to facilitate care.

Focus No. 12: Establish community dental health coordinator training programs in conjunction with at least one accredited dental assisting and dental hygiene program.

Ms. Poston discussed the Native American Oral Health Care Project, which aims to collaborate with Native American communities and health care stakeholders to improve the oral health of Native Americans. The program supports tribal sovereignty and honors and respects the interests and priorities of tribes, while improving access to quality oral health care.

Dr. Brown spoke of other initiatives of the NMDA, including using a community dental health coordinator and establishing a dental school in New Mexico. Both initiatives are designed to improve the oral health of New Mexico residents from all communities.

#### **Mapping the Landscape of Health Care Careers at UNM-Gallup**

Dr. Peter Winograd, director, Center for Education Policy, UNM-Gallup, accompanied by [Marie Julie-Anne], institutional analyst, UNM-Gallup, discussed how UNM-Gallup can better meet the needs of the communities it serves. Dr. Winograd presented a concise report that included the current health-related issues within McKinley County. Additional statistical information was provided in the report.

#### **Higher Education Initiatives**

A brief presentation was provided to the IAC addressing the current and complex issues of higher education initiatives in New Mexico. This presentation focused primarily on creating an institution within UNM that serves Native American students.

#### **Committee-Endorsed Legislation**

The IAC considered several draft bills for endorsement.

*202.195016.1*

This bill appropriates \$1 million from the general fund for the operation and maintenance of a Navajo Code Talkers Museum and Veterans Center. Upon a motion by Representative Madalena, seconded by Senator Rodriguez, and without opposition, the IAC endorsed the bill. This piece of legislation will be carried by Senator Pinto.

*202.195266.1*

This bill amends the Motor Vehicle Quality Assurance Act to extend the implied warranty period for used motor vehicles. Upon a motion by Representative Madalena, seconded by Senator Martinez, and with opposition from Senators Pirtle and Ryan, the IAC endorsed the bill. This piece of legislation will be carried by Senator Pinto.

*202.195145.1*

This bill appropriates \$172,000 from the general fund for the operation and maintenance of the Indian Resource Development program at New Mexico State University. Upon a motion by Senator Rodriguez, seconded by Senator Martinez, and without opposition, the IAC endorsed the bill. This piece of legislation will be carried by Representative Madalena.

*202.195059.1*

This bill creates a Native American veterans division within the Veterans' Services Department. Upon a motion by Senator Rodriguez, seconded by Senator Martinez, and without opposition, the IAC endorsed the bill. This piece of legislation will be carried by Representative Jeff.

*202.195144.1*

This bill appropriates \$300,000 for culturally based Native American youth suicide prevention initiatives. Upon a motion by Senator Rodriguez, seconded by Senator Martinez, and without opposition, the IAC endorsed the bill. This piece of legislation will be carried by Representative Madalena.

*202.194863.1*

This bill modifies the federal revenue deductions from the state equalization guarantee distributions for certain school districts located entirely within the boundaries of federally recognized Indian reservations or pueblo grant lands. Upon a motion by Representative Madalena, seconded by Senator Pinto, and without opposition, the IAC endorsed the bill. This piece of legislation will be carried by Representative Alcon.

*202.194859.2*

This bill sets forth procedures and criteria for transportation boundary agreements. Upon a motion by Representative Madalena, seconded by Senator Rodriguez, and without opposition, the IAC endorsed the bill. This piece of legislation will be carried by Representative Lundstrom.

### **Motion for Adjournment**

With no further business before the committee, the IAC adjourned for the interim at 2:30 p.m.